Disappeared Detainees, the International League for the Rights and Liberation of Peoples, Liberation, the International Educational Development Inc. and the International Indian Treaty Council.

Speaking on the rights of migrant workers were representatives of Mexico, Yugoslavia, Morocco, the Philippines, Indonesia, Egypt, the Movement against Racism and for Friendship among Peoples, the World Confederation of Labour, the International Confederation of Free Trade Unions; on minorites were Yugoslavia, Austria, United States, China, Philippines and Poland.

Guatemala and Indonesia exercised the right of reply.

Statements on Advisory Services

NICOLAE GHEORGHE, of the Romani Union, said it was useful to have standards and model legislations in the area of the rights of minorities, and the work of the Centre for Human Rights in that area had great significance. In the case of the Roma (Gypsy) people, there was a structural tension between the idea of the universality of Roma rights and the practice of monitoring those rights on a territorial basis.

OTTO PERALTA, of the International Union of Students, said violations of human rights perpetrated by the Guatemalan Government were both flagrant and systematic. It was not enough to give advice to the Government; what was needed was strict international monitoring of human rights. It was imperative that paramilitary bands and other illegal groups were immediately disbanded.

CARLOS RODRIGUEZ MEJIA, of the Andean Commission of Jurists, said there was a need to take urgent measures that could aid in overcoming the grave crisis with respect to human rights in Colombia. Too often, the violence attributed to the narco-traffickers tended to obscure the principal causes of the human rights violations. Contrary to what was believed, paramilitary groups and State agents had been mainly responsible for the grave situation in that country.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said receiving present advisory services did not absolve Governments from the responsibility of observing human rights, and it should not protect Governments from the scrutiny of the United Nations. Advisory services could be supplemented by non-governmental organizations. In Guatemala, the promises made with respect to the desire to improve the observance of human rights had not been realized.

MARIO IBARRA, of the International Indian Treaty Council, said that in Guatemala human rights were consistently being violated. The Commission should be aware of the plight of the indigenous population in the rural areas of that country. During his visits to Guatemala the Special Rapporteur should spend sufficient time in the areas where the majority of the indigenous population was located.

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KAREN PARKER, of International Educational Development, Inc., said the fundamental obstacle to the improvement of the situation in Guatemala was the army's role, which had not changed since the inauguration of the new President on 14 January 1990. Disappearances and extrajudicial executions and assassinations had persisted. The Human Rights Commission had repeated the mistake five years ago when it gave former President Vinicio Cerezo the benefit of the doubt; the Commission should give the widest and strongest possible mandate to the independent expert on Guatemala.

Introduction of Subcommission Report

DANILO TURK (Yugoslavia), Chairman of the forty-second session of the Subcommission on Prevention of Discrimination and Protection of Minorities, submitted its report, noting that the the Subcommission functioned primarily as the Commission's "think-tank" in the areas of research, standard-setting and in drawing the Commission's attention to particular situations of serious violations of human rights. The Subcommission was also trying to explore new forms of action in the field of protection and strengthening of human rights.

In the field of standard-setting, he continued, particular reference must be made to the draft declaration on the protection of all persons from enforced or involuntary disappearances. Another area where the drafting process had progressed considerably was the area of indigenous rights. He spoke of the successful start of the work of the sessional working group on the right of everyone to leave any country and to return to his country.

He said another important aspect of the work of the Subcommission was its consideration of the report of its pre-sessional working group on communications. The Subcommission welcomed the tendency of constant improvement of cooperation with Governments in that regard. The Subcommission had been aware of a situation of ethnic tension in Oka-Kanesatake and Kahnawake near Montreal, Canada. The Government of Canada had proposed to establish regular contacts with the Subcommission's Chairman in order to keep the Subcommission informed about the Government's efforts to ensure a peaceful resolution. Those contacts took place until the resolution of the situation, and it was very significant that the situation was resolved in a manner respecting the human rights of all concerned.

The report of the Subcommission (document E/CN.4/1991/2) is considered annually by the Commission, its parent body. At the forty-second session, the Subcommission adopted 34 resolutions and 26 decisions, which are reproduced in the report. The report also contains seven draft resolutions and three draft decisions, proposed to the Commission for action.

The seven draft resolutions are concerned with:

-- Adverse consequences for the enjoyment of human rights of political, military, military, economic and other forms of assistance given to the racist regime of South Africa;

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READEX FICHE

-- Footnote to rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council;

-- Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

-- Human rights and the environment;

-- Right to a fair trial;

-- Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers; and

-- Programme of action for the elimination of the exploitation of child labour.

The three draft decisions concern: the question of human rights and states of emergency; a draft universal declaration of indigenous rights; and a draft declaration on the protection of all persons from enforced and involuntary disappearances.

The Commission reaffirmed last year, in resolution 1990/64, that the Subcommission could best assist it by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the Subcommission's report as well as in the expert studies carried out under its auspices. The Commission also requested the Chairman of the Subcommission to report on the implementation of the guidelines contained in that resolution. The report of the Chairman of the Subcommission is contained in document E/CN.4/1991/48.

By resolution 1990/4, the Subcommission recommended, through the Commission, to the Economic and Social Council, to adopt a footnote to rule 59 of the rules of procedure which would allow the Subcommission to vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot.

The Commission will also have before it under this item a note by the Secretary-General transmitting the report of the Subcommission's Working Group on Indigenous Populations (document E/CN.4/1991/47); and the report of the Secretary-General pursuant to Commission resolution 1990/67 (document E/CN.4/1991/50).

Statements in Debate

KEFFYALEW GEBRE-MEDHIN (Ethiopia) said that in a little over four decades of its existence, the Subcommission had made significant contributions in terms of its concrete and exploratory work as the expert arm of the Commission. Last year, however, Ethiopia had pointed to the problem of the duplication of work and to the intolerable level of politicization at the Subcommission. The Commission this year must clearly reaffirm the tasks and terms of reference of the Subcommission. The recommendation of the Commission to the Subcommission needed to reflect the views and concerns of member

States. Ethiopia was not engaged in a fault-finding exercise. Its efforts were aimed only at helping improve the functioning of the Subcommission.

MUHAMMAD ZAMIR (*Bangladesh*) said he wished to commend the Subcommission on the progress it had made during its last session. With regard to the report of the Working Group on Contemporary Forms of Slavery, Bangladesh believed that the root causes of that phenomenon required close study. Economic disparities and social deprivations were but some of the ostensible causes. He said the merits and shortcomings, as well as the practical results, of the long-standing system of Special Rapporteurs deserved careful study and evaluation. There was a view that the Subcommission was conducting too many studies, some of them overlapping with those of other organs.

JOSE E. AMARAL SOUZA NETO (*Brazil*) said the enormous amount of valuable work accomplished every year by the Subcommission warranted serious and detailed consideration by its parent body. It was good to note that the Subcommission had referred seven draft resolutions to the Commission, as compared with 14 in the previous report. That was a good beginning.

Speaking for the delegations of Argentina, Brazil, Colombia, Mexico, Peru and Venezuela, Mr. Amaral Souza Neto said those delegations welcomed the draft universal declaration on indigenous rights, and were glad to note further progress towards its completion during last session of the Working Group on Indigenous Population. The General Assembly had proclaimed 1993 as the International Year for the World's Indigenous People, and that should provide an occasion to strengthen international cooperation to confront the problems faced by indigenous communities.

BRIAN BURDEKIN (*Australia*) said the International Year could, and should, play a major role in advancing recognition of the rights of indigenous peoples. The Australian Government was strongly committed to the need for indigenous people, and the non-governmental organizations working with them, to be closely involved at the highest possible level in the planning, implementation and evaluation of projects and structures for the Year. All States with indigenous peoples would be judged, and should be held accountable by the international community on their treatment of those people. The Australian Government acknowledged that Australia's aboriginal and Torres Strait islander peoples still suffered continuing disadvantage and injustice. The Government was establishing structures designed to allow for more input by those groups.

ADELA FUCHS (*Mexico*) said the Subcommission played an indispensable role in the struggle against the problem of involuntary and forced disappearances and for the rights of indigenous peoples. The Subcommission was also instrumental in positive action in favour of the rights of the child. On the question of the elimination of the problem of forced and involuntary disappearances, new multilateral instruments needed to be implemented. Mexico was fully supportive of all conventions dealing with the problems of the protection of children. All States should endeavour to realize legislative and educational reforms which would successfully deal with the ill-treatment of children.

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AGNES HEVESI (Hungary) said the adoption of the draft declaration on the protection of all persons from enforced or involuntary disappearances was the source of deep satisfaction. The report on the protection of minorities was an important element of a promising process. The measures proposed by the Special Rapporteurs on the right to freedom of opinion and expression were heartening. In the work of the Subcommission, the right of everyone to leave any country, including his own, and to return to his country had been under consideration for quite some time. An even closer look should be given to the right to return especially at a time when the new phenomenon of mass exodus could be seen in many parts of the world.

MANFRED NOWAK (Austria) said the most noteworthy achievement of the last session of the Subcommission had been the adoption of a draft international declaration on enforced disappearances. That should be further elaborated on by the Commission. Other instruments, such as the draft universal declaration of indigenous rights and the draft declaration on the right of everyone to leave any country, still needed further consideration by the Subcommission or its subsidiary bodies. For many years the Austrian delegation had put particular emphasis on an improvement of both standard-setting and effective implementation in the area of the administration of justice. Unfortunately, the Subcommission had not taken any action in that respect at its last session.

KENNETH BLACKWELL (United States) said something was wrong with the Subcommission. It was engaged in a large collection of non-priority activities. Its report contained an increased number of marginal or duplicative resolutions and decisions. The Subcommission should not waste time discussing country situations already on the Commission's agenda. The Subcommission should not have involved itself last August in a lengthy discussion of a land dispute involving a group of indigenous people. That was far from the Subcommission's mandate. It was marginal work which prevented Subcommission members from pursuing issues to a conclusion. The Subcommission should reduce the number of studies in which it engaged, because besides squandering time, those non-priority studies drained budget resources.

MARTA SANTOS PAIS (Portugal) said the last session of the Subcommission had witnessed a concern over the way of improving its work. The modification of the resolution regarding the examination of information received from a State on the violation of human rights had given States the possibility to submit their observations. The Subcommission had also made decisive progress in the field of case studies and particularly on the question of the administration of justice.

ZHANG YISHAN (China) said the Subcommission had at its last session for the first time expressed its concern over the lack of attention within the United Nations system to the obstacles hindering the realization and the promotion of economic, social and cultural rights. The Subcommission had also conducted thoughtful research on the protection of women, children and indigenous peoples. However, there were problems in the Subcommission. The boundaries between the Commission and Subcommission had been blurred over the past few years, with considerable overlapping of agenda items. Also there were politicized debates and wanton attacks on the internal affairs of

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States. Often the Subcommission did not proceed in its work according to rules of procedure. Finally, there were too many reports and conference documents and no control over the participation of non-governmental organizations.

LIGIA GALVIS (Colombia) said the declaration of 1993 as the Year of Indigenous Peoples would give States the opportunity to develop policies which could allow them to open new horizons for indigenous peoples. That would create the possibility of promoting their cultural heritage. Colombia had developed a policy for indigenous groups which comprised the distribution of land, respect for traditional organizations, the development of bilingualism and the promotion of fundamental freedoms. The collaboration of the Centre for Human Rights with regard to the celebration of the Year was of vital importance.

I.S. CHADHA (India) said that, as an independent body of experts, the Subcommission should provide specialized input to the Commission. It should serve as the Commission's "think-tank" and supplement the standard-setting work of the Commission. It should be careful not to stray into areas covered elsewhere in the United Nations system. It could fulfil its role only when Governments took care to ensure the independence of its expert members. The question of secret voting was clearly linked to the degree of independence which the experts enjoyed. India was confident that the Subcommission would review and adjust its functioning to emerging requirements.

RAUL ROA-KOURI (Cuba) said the Subcommission's reports and deliberations were generally of high quality, because of the high quality of its independent experts. The independence of those experts was vital. However, Cuba could not accept the suggestion of secret voting on some agenda items. Public voting was a perfect way for an expert to prove his or her independence. The Subcommission should also make a special effort in the direction of the economic and social rights of children, women and adolescents.

DENIS MARANTZ (Canada) said the Subcommission's report provided many examples of the important work undertaken by its members. One such example was the Subcommission's work on behalf of children's rights. The last session of the Subcommission was also characterized by enhanced efforts to coordinate the work of that body with the Commission. As to the conflict which erupted between some Mohawk people and the Governments of Quebec and Canada, a framework agreement had been signed a few days ago with the Mohawk people of Kanesatake, designed to establish the parameters for the negotiation of land issues, economic and social development requirements and self-government. Negotiations with the Mohawk were being undertaken against a larger backdrop encompassing the aboriginal peoples of Canada.

SERGUEI KOSSENKO (Soviet Union) said the Subcommission should analyse itself in order to do away with "parallelism", and to keep the number of resolutions to a minimum. It could get rid of out-moded concepts faster than the Commission. The capacity for fast reaction was shown in its handling of issues like Kuwait and the Mohawks in Canada. The method of secret ballot was

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being used more and more, yet its legitimacy had not yet quite been established. On the whole, the time was right for the reform of the Subcommission. Good ideas existed but more in-depth analysis was required.

GERHARD FULDA (Germany) said the independence of the members of the Subcommission should enable that body to contribute new ideas and research, combining academic skill and political assessment. The common objective of the Commission and its subsidiary was to foster better implementation of existing human rights standards. The Subcommission should concentrate on essential issues and studies which were important to the promotion and protection of human rights and avoid a proliferation of studies which drew heavily on the scarce human and financial resources available.

BERNARDITAS MULLER (Philippines) said the broadened interpretation of the Subcommission's mandate had resulted in increased politicization of debates and in the duplication of the Commission's work. Non-governmental organizations should take care that they were not used as mouthpieces for opposition groups. The draft resolution which called for secret ballot voting in the Subcommission was a double-edged sword which could erode the very independence that its members wished to protect.

G. WOLTERS (Netherlands) said it was a hopeful sign that the Subcommission itself seemed to be increasingly aware of the need for a change of its methods of work. The Netherlands delegation was pleased with the revitalization of the Working Group on Contemporary Forms of Slavery. The Netherlands was especially interested in the theme which would come up in the Working Group in 1991: the prevention of traffic in persons and of the exploitation of the prostitution of others. That was a subject which otherwise received too little attention in the Commission.

HENRY STEEL (United Kingdom) said the Commission and the Subcommission should advance and consolidate their common causes. To that end the closer coordination and dialogue between the two bodies was to be welcomed. The total number of Subcommission reports should be reduced and the reports circulated well in advance. Also, a more disciplined approach among those wishing to speak would lead to a clearer exposition of views and a better use of time. That should not be done in a way which inhibited the right of experts or non-governmental organizations to intervene.

JAROSLAW WERESZCZYNSKI (Poland) noted that despite universal repudiation in international law, arbitrary or illegal detention constituted one of the most frequent abuses of human rights. In addition to existing mechanisms which dealt with torture, summary executions and disappearances, there should be another mechanism created to protect against arbitrary or illegal detention.

BEATRIZ AHIABA, of the Grand Council of the Crees and Four Directions Council, said the text of the resolution introduced by Colombia to the General Assembly concerning indigenous rights did not fully represent the viewpoint of the indigenous peoples. While Spain had joined in co-sponsoring the resolution, that country's so-called celebration of 500 years was a cruel reminder of the genocide committed against the indigenous peoples of the Americas. The proposal contained in the draft resolution to organize a

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training course on indigenous questions in South/Central America was welcomed though long overdue.

DAVID LITTMAN, of the World Union for Progressive Judaism, said German companies had provided chemical and bacteriological arms to Iraq and "other terrorist States". Those industrialists, not content with their lucrative trade as "merchants of death", had provided Iraq with the scientific knowledge that allowed "the tyrant of Iraq" to produce the most hideous panoply of death. During the last decade, Iraq had imported more than $50 billion worth of modern weaponry. Iraq could get all it wanted from foreign friends and key partners. The Commission should condemn Iraq for its use of illegal chemical weapons.

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said the Subcommission produced studies which added little that was new to the existing work. Some of those, such as the report on the implementation of social and cultural rights had blurred objectives. Concerning the secret ballot issue, he said that if the experts were concerned that voting publicly would jeopardize their jobs, then they were not independent anyway.

TOMAS CONDORI, of the Indian Council of South America, said that on the occasion of the 500th anniversary of the "discovery of the new world", which was a violent invasion, the Indians were actually worried about the rights and freedoms they had then lost. The conquerors had installed by force a colonial system that had resulted in the brutal destruction of the aboriginal civilizations. By way of the annihilation of their culture and the exterminations.

KENNETH DEER, of the International Working Group for Indigenous Affairs, said the concern expressed by the Subcommission during its last session had had a direct impact on Canada's behaviour in trying to resolve peacefully the conflict with the Mohawk people. The two communities of Kahnawake and Kanesatake were being heavily patrolled by police forces. Despite the overwhelming evidence of human rights violations, there had been neither public inquiry into the activity of the police nor had there been an inquiry by the Ministry of Justice.

M. SCHREIBER, of the International Abolitionist Federation, said it was imperative to establish new legal standards to combat the exploitation and consequences of prostitution, pornography and sexual abuse. The problems at hand involved sex tourism, forced prostitution and exploitation of migrant workers. Often, the victims of those crimes against humanity were considered the guilty ones. Women who became involved in prostitution were often the victims of vicious circumstances. The report on slavery was vague and did not address the real problems. The United Nations ought to dedicate a decade to the exploited.

LOYOLA GUZMAN, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said the work of the Subcommission on disappeared detainees had not been adequately appreciated. The Subcommission had approved a declaration recommending that the Commission, the Economic and Social Council and the General Assembly adopt a resolution on disappearances.

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The legitimate rights of the detainees should be respected and protected in accordance with the relevant international instruments.

VERENA GRAF, of the International League for the Rights and the Liberation of Peoples, said population transfer was a device which not only infringed on individual rights, but frequently constituted a violation of the right to self-determination of the peoples affected. Government-sponsored migration and other forms of implantation of settlers were also a threat to the cultural, political, social and economic integrity of the peoples into whose territory the settlers moved.

LAWRENCE CHRISTIAN, of Liberation, said the Indonesian Government was asking non-governmental organizations not to investigate the true facts of the human rights situation in East Timor. If the Commission did not reject such an attitude, the Subcommission's efforts on behalf of independent investigation of the facts in East Timor would lead nowhere.

ETSURO TOTSUKA, of the International Educational Development, Inc., said police station detention in Japan, known as "daiyo-kangoku", had greatly concerned his organization for some time. Under that system, criminal suspects were brought before a judge within 72 hours. When they were held over for an additional period prior to indictment, they were returned to the custody of the police and kept in cells located in the police stations. That period generally lasted for an additional 20 days. In that way, Japan annually denied to some 100,000 detainees their rights guaranteed by Articles 9 and 14 of the International Covenant on Civil and Political Rights.

RAIWAPUNA PREJEAN, of the International Indian Treaty Council, said that although indigenous people in many instances were minority in number, most of the time they were the original people of the area and should have that distinction taken into account. Self-determination was the desire of most of them. The Subcommission should consider its ongoing study of the question as one of its highest priorities.

DANILO TURK, responding to the statements on the Subcommission's work, said he was glad that the draft on forced and involuntary disappearances had received widespread support among members. On the rights of indigenous peoples, he thanked delegates for their constructive comments. The draft convention on the right of people to leave and return to their country was indeed long overdue, and the time had now come for that draft to be considered. On the question of the organization of the work of the Subcommission, the comments made by various delegations were helpful. The work of the Rapporteurs had to be depoliticized while bearing in mind that the political dimension was ever present and could not be completely ignored. It was useful to prevent political consideration from prevailing and taking priority over other considerations. The Subcommission had also to avoid duplication in its work.

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Measures to Improve Human Rights and Dignity of All Migrant Workers

This matter has been the subject of attention at several sessions of the Commission. At its thirty-fifth session in 1979, the General Assembly established an open-ended Working Group on that subject, whose mandate has since been renewed at regular intervals. At the forty-sixth session, by resolution 1990/44, the Commission requested the Secretary-General to inform the current session of the Commission of further progress. The Working Group completed its task in June 1990 and its report is available to the Commission in documents A/C.3/44/4 abd A/C.3/45/1. By resolution 45/158 of 18 December 1990, the Assembly adopted the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The Assembly called upon all States, as a matter of priority, to consider signing, ratifying and acceding to the Convention in the hope that it will come into force at an early date.

CLAUDE HELLER (Mexico) said migrants were forced to leave their places of origin because of social and economic imbalances created by the existing international order. The international dimension of migration had an impact on the sociocultural and political aspects of any society. The economic imbalances between the North and the South, social injustice and the lack of opportunity in society had generally provoked and intensified the flow of migrants. The human rights status of migrants was weak and vulnerable in many countries. The Convention should protect the rights of the migrants and their families.

MIRJANA RADIC (Yugoslavia) said Yugoslavia had participated from the very beginning in the work of the Working Group on the Convention on Migrant Workers. On that particular subject, Yugoslavia was guided on the one hand by its general concern for the human rights issues dealt with in the United Nations, and on the other by the necessity to establish a universal framework for the protection of migrant workers and their families. Several hundred thousand people from Yugoslavia worked in other European countries. The Convention filled a gap in the field of human rights.

ALI ATMANI (Morocco) said the insecurity that threatened migrant workers, the non-respect of their national identity and their religious convictions, deprived them of justice. Migrant workers should be "regularized". "Clandestine" workers were exploited economically and enjoyed no social security. Although some improvements had been made to the conditions of migrant workers, migrants were still confronted with racist crimes, which were sometimes fomented in electoral campaigns. It was hoped the Convention would reinforce the existing regulations in the field of protection and promotion of the human rights of a vulnerable group.

CALIXTO V. ESPEJO (Philippines) said the Philippines attached special importance and significance to the promotion and protection of the rights of minorities. The constitutional State policy on minorities provided that "the State recognized and promoted the rights of indigenous cultural minorities within the framework of national unity and development". The Government had recently created two agencies -- namely, the Office of Muslim Affairs and the

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Office of Northern Cultural Minorities under the office of the President -- so that the development of minorities should involve the maximum participation of constituencies, giving due regard to their traditions.

LOPES DA CRUZ (Indonesia) said the international effort to extend the protection of human rights to all men, women and children had been significantly strengthened in the past year with the adoption of the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Regardless of the contribution migrant workers had made in so many sectors of the economy and areas of employment, it could not be overemphasized that all people were entitled to their dignity as human beings.

NAELA GABR (Egypt) said that whereas migrant workers were the fuel of economic recovery, they were also the first victims of crises, especially those of an economic and military nature. The Gulf crisis had affected Egyptian migrant workers in a profound way; Egyptians constituted some 45 per cent of the workers in the Gulf region were thus the most seriously disadvantaged by the developments there. It was time for the international community to bring the conditions of migrant workers up to international standards.

JEAN-JACQUES KIRKYACHARIAN, of the Movement Against Racism and for Friendship Among Peoples, said migrant workers were facing the same problems everywhere: inequality in education, housing and social rights. In some places one could see the development of ghettoes. The emergence of racism had also created social tension. In France and the United Kingdom, the second generation of migrant workers did not enjoy the same rights as the citizens of those countries. Migrants from North Africa, Turkey and Pakistan were not easily accepted because their religion was said to not be compatible with Western culture.

BLAISE ROBEL, of the World Confederation of Labour, said what was needed most urgently was an international instrument covering the political, civil, cultural, economic and social rights of migrant workers. It was estimated that there were 30 million migrant workers in the world. They did the most undesirable jobs and received the worst remuneration. They were discriminated against and neglected, yet were needed as a source of cheap labour. Their standard of living was at the bottom of the scale in term of health care, education, information and communication. Because of their origin, culture, religion or colour, they were handicapped in their efforts to integrate into society.

GUY RYDER, of the International Confederation of Free Trade Unions, said the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families was a most important instrument for the protection of a category of workers particularly vulnerable to exploitation and mistreatment. In Europe, the process of integration and the establishment of the single market had obvious implications for non-community as well as

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community nationals, who could be expected to become more mobile. The crisis in the Gulf had affected migrant workers in very large numbers, most had lost their possessions, savings and social security rights.

Rights of Minorities

At its thirty-fourth session, the Commission established an informal open-ended working group to consider questions related to the drafting of a declaration on the rights of members of minority groups, on the basis of a text proposed by Yugoslavia (document E/CN.4/L.1367) which was intended to serve as a starting point for an exchange of views. The Working Group has met during each of the subsequent sessions. The report of the Working Group for this session is contained in document E/CN.4/1991/53.

At its forty-sixth session, in resolution 1990/45, the Commission requested the Secretary-General to prepare a technical review of the texts of the articles of the draft declaration that have been approved by the Working Group, from Governments, specialized agencies, intergovernmental and non-governmental organizations, on the text of the draft articles and submit an analytical compilation of the comments received (document E/CN.4/1991/52).

At its fortieth session, the Sub-Commission invited Claire Palley (United Kingdom) to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities. At its forty-first session, the Subcommission decided to entrust Asbjorn Eide (Norway) with the preparation of a further report on national experience on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities. At its forty-second session, having considered the progress report submitted by Mr. Eide (document E/CN.4/Sub.2/1990/46), the Subcommission requested the Special Rapporteur to submit a preliminary report to the Subcommission, at its forty-third session, on the progress made in his study.

In addition, the Commission will have before it a draft resolution dealing with this subject, contained in the report of the forty-second session of the Subcommission (document E/CN.4/1991/2).

ZAGORKA ILIC (Yugoslavia) said the rights of individuals, including persons belonging to minorities, were of fundamental importance and should be emphasized in the draft declaration. In debate it had been proposed that the choice between individual and collective rights was not an absolute one but would have to depend on the context of the rights, freedoms and duties spelt out in each article of the draft declaration.

NIKOLAUS SCHERK (Austria) affirmed that ethnic groups or minorities culturally enriched the States in which they lived, and constituted a valuable link between neighbouring States. They should be entitled to unhampered relations with populations of the same language or culture in other States. The right of minorities to be recognized as such, as well as the right to preservation, development and advancement of their ethnic and cultural

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identity should be accepted by all States. Members of minorities should be entitled to use their own language in private and in public, including the use of their language before public authorities specifically related to the area in which they lived. The potential for conflict in countries or regions with minorities was demonstrated by the struggle of the Kurdish people.

JOHN CROOK (United States) said the Subcommission's full name reflected an appropriate emphasis on the conflict and tension involving the position of minorities in many countries across the globe. The historic and other circumstances shaping those situations varied greatly. Nevertheless, they saw one common approach, one common remedy, that would greatly lessen the extent of such conflicts and the violence that might accompany them. Persons belonging to minorities, like all others in society, must be assured the protection of their fundamental civil and political rights. Such assurance would permit persons belonging to minorities to enrich and enliven the societies in which they lived.

ZHAN DAODE (China) said that in his country all nationalities had been living together in a unified country for several thousand years. The 56 nationalities coexisting in China had created history together, while establishing inseparable links among them in the political, economical and cultural fields. The misery and sufferings brought by imperialist aggressions in the past 100 years had made them more clearly aware of their common fate. The Chinese Government had adopted many special policies and measures to help the development of minority nationality areas. For example, the Tibetan language was used not only exclusively in Tibet, but also as one of the working languages of the National People's Congress and the National Political Consultative Conference.

CALIXTO ESPEJO (Philippines) said that of the approximately 30 million migrant workers in the world, more than 1 million were Filipinos. Migration for employment in even greater numbers would continue for a number of reasons. Migrant workers contributed in no small measure to the enhancement of the productive capacity of the host countries.

DARIUSZ GRABOWSKI (Poland) said a complex structure of international instruments to protect minority rights was needed. The efficient protection of minority rights could remove some of the sources of tensions in the contemporary world, tensions which could endanger both internal and international peace. The Commission should consider profoundly the possibility of a significant extension of the activities of the Working Group on the rights of minorities.

Rights of Reply

FEDERICO URRUELA PRADO (Guatemala) said the allusions of some non-governmental organizations to the situation in his country obliged him to intervene to say that there were members of the armed groups present at this session of the Commission. It was no secret that the debate on human rights in Guatemala had been restricted and overpoliticized as a result of the participation of groups, some private, which supported the armed struggle from abroad. It was good to see, however, that there were also at the Commission some non-governmental organizations really dedicated to respect for human rights in Guatemala. The advisory services assistance given to the country had generated a culture of tolerance in Guatemala.

MUSMA MUSA ABAS (Indonesia) said the allusions to East Timor did not warrant a reply, taking into account the precious time of the Commission. The clarifications provided by his delegation on the points raised stood.

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United Nations

Press Release

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5 March 1991

FOREIGN MINISTERS OF PARAGUAY AND HAITI ADDRESS HUMAN RIGHTS COMMISSION

Commission Considers Draft Declaration on Responsibility In Promoting Human Rights; Ends Debate on Rights of Minorities

GENEVA, 5 March (UN Information Service) -- The Ministers for Foreign Affairs of Paraguay and Haiti this morning addressed the Commission on Human Rights.

The Commission also continued its consideration of a draft declaration on the responsibility of individuals and groups in promoting human rights.

Speaking on that item were the representatives of Cuba, the United States, Australia and Syria. Representatives of the International Federation of Human Rights, the International Fellowship of Reconciliation, the International Movement for Fraternal Union among Races and Peoples, and the International Association of Educators for World Peace also spoke.

The Commission also concluded its general debate on the rights of persons belonging to minorities. Speaking on that item were the representatives of the World Union for Progressive Judaism, the International Organization for the Development of Freedom of Education, the World Association for World Federation, the Minority Rights Group and International Educational Development.

The representative of Yugoslavia spoke in exercise of the right of reply.

Statement by Foreign Minister of Paraguay

ALEXIS FRUTOS VAESKAN, Minister for Foreign Affairs of Paraguay, said his country appreciated the interest shown by the Commission in the people of Paraguay during the harsh years of the Stroessner dictatorship. During those 20 years, human rights had been systematically and flagrantly violated. It was a symbol of confidence in the new climate in Paraguay that, after only one year of the transition to democracy, the Commission had already terminated its examination of the Paraguay question. Since the coming to power on 3 February 1989 of General Andres Rodriguez, much had changed for the better.

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The motives for the overthrow of the Stroessner dictatorship were many and varied, but included the need for ideological pluralism and the need to put an end to human rights abuses, he said. Paraguay was in the process of codifying new laws which would guarantee the freedom of political parties, establish electoral reform and improve the training of law enforcement officials. The new foreign policy of Paraguay would revolve around openness and friendly cooperation with all peoples and nations. Paraguay would voluntarily cooperate with international organizations, especially in the field of human rights, and support regional economic integration.

Statement by Foreign Minister of Haiti

DENISE JEAN-LOUIS, Minister for Foreign Affairs of Haiti, said that after a painstaking transition, the democratically elected Government of Haiti now had to account to the public, the first area being respect for human rights. Improving the living conditions of the population had been given priority as a prerequisite to respect for human rights. The Government appreciated the assistance offered by the United Nations to the different institutions of the country to enable them to hold the free and democratic elections of 16 December 1990. The Government, elected on the basis of the constitutional mandate of 1987, was endeavouring to accomplish that mandate. It was ready to sign and ratify all pertinent international conventions for the protection and respect of the dignity of the Haitian people. In its efforts to change society, the Government needed the assistance and experience of the international community, especially that of the United Nations. Haiti was striving to establish a state of law in the country.

Statements on Minority Rights

DAVID LITTMAN, of the World Union for Progressive Judaism, said about 100,000 Jews had been permitted to leave the Soviet Union for Israel between 1987 and 1989. A further 185,000 had arrived in 1990 and, during the first two months of this year, 20,000 more had reached Israel. There was, however, a sudden increase of "refuseniks" in certain cities. Although 30,000 exit visas were being issued monthly, there were still several hundreds of cases of "refuseniks" who had first relatives in Israel but could not join them. On another point, he said the book held up by the Syrian delegation at a previous meeting repeated the old blood libel against Jews and Judaism. The Commission should publicly condem that flagrant act of racism.

ALFRED FERNANDEZ, of the International Organization for the Development of Freedom of Education, said a democratic regime should be characterized by its respect for minorities. In most States, several cultures coexisted. Many States, however, feared losing their national identities. The freedom to teach and transmit their culture was also essential to minorities. In the past, the rights of minorities to express their own culture or religion had been denied. Most conflicts involving minorities arose from that problem. The idea that pluralistic system of education would disintegrate a country was false; on the contrary, free choice of a system of education could bring together all social groups.

MISA MILOSEVIC, of the World Association for World Federation, said the tanks of the special forces of the Croatian government had taken over the Yugoslavian village of Pakrac. The Serbian village was within a Croatian area. The Yugoslav Federal Army was in the process of deploying its forces in the region to prevent a massacre. Many civilians had fled to the mountains to avoid the repressive forces of Croatia. Among the victims of this upheaval was the Bishop of Slovenia, who had been witness to the difficulties experienced by Serbian orthodox believers in Croatia. Since Croatia's ascension to the Presidency in April 1990, priests had been attacked, and the property of the Orthodox Church of Serbia had been destroyed or nationalized.

MARIE-CHRISTIN BLOCH, of the Minority Rights Group, recalled that studies by Uppsala Institute of Peace Studies had shown that of the world's 111 major armed conflicts, almost two thirds involved conflicts between majorities and minorities. That had been corroborated by the United Nations High Commissioner for Refugees (UNHCR) in its analysis of the country of origin of refugees and reflection on the roots of the 2 million Palestinian refugees. The United Nations had deliberately avoided taking a serious interest in minority concerns and had focused on nation States. Minority rights had been something of an embarrassment to States because they could be misunderstood as threatening the integrity of States. Minorities would only be a threat to a State if they were marginalized.

ETSURO TOTSUKA, of the International Educational Development, said he hoped the draft declaration on the rights of minorities would address the issue of the Buraku people in Japan. The Buraku people were no different from other Japanese people in terms of race, ethnicity, religion or language. None the less, they had been discriminated against for hundreds of years, and even in recent times had been confined to certain villages in Japan. While Japan had ratified certain international human rights instruments, it had still not ratified the International Convention on the Elimination of All Forms of Racial Discrimination, perhaps because article 1 (1) of the Convention addressed discrimination based on "descent", a criterion that clearly covered outcasts such as the Buraku. In Sri Lanka, the colonial rulers had imposed unitary rule in an island where there had been two distinct states for thousands of years. The Tamil people were racially and ethnically different from the Sinhala people.

Draft Declaration on Promoting Human Rights

Item 23 of the agenda deals with drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms. This item was included in the agenda of the current session through Commission resolution 1990/47. The Commission decided to continue its work on elaborating the draft declaration, using as a basis the views expressed and proposals made by the pre-sessional Working Group on this question at its previous session. The report of the Working Group, which this year met from 16 to 25 January, is in document E/CN.4/1991/57.

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MIGUEL ALFONSO MARTINEZ (Cuba) said he wished to stress the importance of drafting the declaration. Progress had been made and the first reading would be completed in 1992. The Working Group should emphasize the duties to the community by in carrying out its responsibilities. The role played by national legislation was also important. The way in which finance resources were regulated should also be considered. Once the Working Group concluded its first reading of the draft, the next step would be to send it to Governments and non-governmental organizations for their views and comments. The Cuban delegation would contribute to the completion of the draft.

NEAL WALDROP (United States) said the rights of persons were derived from their personal standing as human beings, not from their legal status as citizens of any given country. Nations were not free to ignore or flout these rights. Non-governmental organizations that sought to promote human rights required financial resources in order to operate. Lack of funds would make it impossible for human rights organizations to fulfil their mission and role. The role of private individuals and groups transcended national frontiers. The United States believed that national frontiers ought not to impede the transfer of funds for the promotion of human rights, just as national frontiers did not impede the transfer of funds for sports events, for example. The individual's highest duty to the society in which he or she lived was to seek to advance the general welfare as portrayed in humanity's ideals, including those ideals which related to the effective enjoyment of human rights and fundamental freedoms.

R.A. WALKER (Australia) said the Working Group's mandate related to standard-setting, but its objective had been not so much to draft new human rights standards as to consider and elaborate measures for the more effective realization of rights which were already recognized in existing instruments. Reinforcement of the protection and promotion of human rights was thus the objective of the proposed declaration. The text addressed particularly the activities of those sometimes known as "human rights defenders" -- the individuals and groups working to promote and protect human rights. Some of those were well known; others pursued their work outside the protective framework of international or national attention, often in difficult and dangerous environments. The welcomed progress over the past two years had been due to the very positive and cooperative approach to the task, adopted by all delegations. The Working Group had justified the confidence placed in it by the Commission.

CLOVIS KHOURY (Syria) said the drafting and subsequent adoption of the declaration were important. The draft was a harmonious whole that was aimed at promoting universal commitment for peace. Each component of the society should be given responsibilities and duties as part of one whole.

CHRISTIAN GROSSE, of the International Federation of Human Rights, said there was a long list of victims of such abuses as detention without trial, arbitrary executions and torture. The first three Presidents of the Commission of Human Rights of El Salvador had been assassinated. The Viet Nam Committee for the Defence of Human Rights had been exiled, as had the Guatemala Human Rights Committee, although Guatemala's Constitution explicitly stated that the resistance of the people in the face of the violation of their rights was legitimate. That article of the Constitution was effectively a dead letter, since the assassination and execution of human rights campaigners had continued unabated. In Peru, human rights remained precarious, with more kidnappings and assassinations. The Working Group must redouble its efforts to ensure real protection for the defenders of human rights.

RENE WADLOW, of the International Fellowship of Reconciliation, said responsibility for the promotion of human rights was a self-chosen task which persons accepted as individuals and as groups. The work of the Commission was facilitated by all those who took on the responsibility to warn of injustices and present proposals for action. Many of those people worked in very difficult conditions. In some parts of the world, those who promoted human rights had to look around to see who listened to their conversations. In other places, individuals had been killed for their efforts to promote human rights.

C.M. EYA-NCHAMA, of the International Movement for Fraternal Union among Races and Peoples, said Governments had the responsibility to elaborate national legislation to incorporate international laws. Such legislation should also protect the most vulnerable ones in the society. In Latin America, individuals were killed because of their opinion or human rights activities. In Africa, Governments which attempted to introduce pluralism considered the political activities of others as subversive.

HENRY BANDIER, of the International Association of Educators for World Peace, said that in every region of the world, there were deplorable conditions and physical and moral suffering. This was a world in which children were the first victims. The world seemed to have lost its sense of direction and control, its sense of morals and of fundamental natural values. Everyone was an educator. Children were the inheritors of tomorrow; they needed a healthy environment, a decent life and a good education, regardless of race, colour or sex.

Right of Reply

ZIVOJIN JAZIC (Yugoslavia), replying to the statement by the World Association for World Federation, reiterated his country's stand on settling its internal problems peacefully. Allegations did not contribute to a solution of the problem faced by the Yugoslavia nation.

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United Nations

Press Release

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HUMAN RIGHTS COMMISSION CONCLUDES GENERAL DEBATE, ADOPTS RESOLUTIONS ON RANGE OF ISSUES

GENEVA, 5 March (UN Information Service) -- In an extended meeting this evening the Commission on Human Rights adopted 30 resolutions and one decision focusing on the further promotion of human right, the rights of detainees, human rights and the environment, advisory services and religious intolerance.

Before acting on those resolutions, the Commission briefly discussed the role of youth in the promotion of human rights, including the question of conscientious objection to military service. That item was introduced by Jan Martenson, Under-Secretary-General for Human Rights, and there were statements by representatives of Byelorussia and the Latin American Federation of Associations of Relatives of Disappeared Detainees.

The Commission also closed its general debate on the responsibility of individuals and groups to promote human rights. The representative of the International Falcon Movement, a non-governmental organization, made a statement.

Japan spoke in right of reply.

Resolutions on Further Promotion of Human Rights

Concerning the coordinating role of the Centre for Human Rights, the Commission supported the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights as a coordinating unit in the system of bodies dealing with the promotion and protection of human rights. It invited him to request Governments, United Nations specialized agencies and intergovernmental and non-governmental organizations to express their views on the strengthening of the activities of the Centre with special emphasis on new directions and forms, including increasing the representation of underrepresented groups of States, notably the developing countries, in senior and policy-formulating posts in the Centre for Human Rights. While safeguarding the principle of equitable geographical distribution, in accordance with the relevant resolutions of the General Assembly, particularly resolution 45/125 on the improvement of women in the Secretariat. It asked for a report setting out those views and opinions to be submitted to the

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Commission at its next session. It also decided to discuss at its next session the question of the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights. That resolution was adopted without a vote.

Concerning developments relating to the activities of the Centre for Human Rights, the Commission reiterated its concern that programme and resource proposals for long-term solutions responding to the needs of the Centre, and commensurate with its workload, be included in the outline of the proposed programme budget for the biennium 1992-1993. It requested the Secretary-General to submit, through the Economic and Social Council, a report on developments relating to the Centre for Human Rights, to the next session of the General Assembly. That resolution was adopted without a vote.

On the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights, the Commission took note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights (document E/CN.4/1991/22), in particular information about costs incurred and envisaged as well as the assessment of the effectiveness of the activities of the World Campaign. The resolution supported the general thrust of the proposed programme of implementation of the World Public Information Campaign for Human Rights. It urged all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, bearing in mind the availability of the teaching booklet published by the Centre for Human Rights, and it encouraged all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes, and encouraged the efforts of the Centre for Human Rights to develop a manual for higher education in the field of human rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO). To that end, it said, there should be a meeting of experts in the course of 1991. The Department of Public Information (DPI) was asked to make full use of its available resources in the field of human rights, and to produce audio-visual material on human rights issues that could be used as effective tools of information within the framework of the World Public Information Campaign.

The Commission emphasized the need for the United Nations to harmonize its public information activities in the field of human rights with organizations such as the International Committee of the Red Cross, the Office of the United Nations High Commissioner for refugees. It decided to continue its consideration of the question at its next session. That resolution was adopted without a vote.

Under a resolution on internally displaced persons, the Commission invited all Governments and international organizations to intensify their cooperation and assistance in world-wide efforts to address the serious problems and needs resulting from internal displacement. It requested the Secretary-General to submit an analytical report on internally displaced persons, taking into account the protection of human rights of those persons,

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based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross and non-governmental organizations, to the Commission on Human Rights at its forty-eighth session. That resolution was adopted by consensus.

Regarding a resolution on international cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms, the Commission called upon Member States to implement fully the universally recognized international standards for the promotion and protection of human rights enshrined, in particular in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments. It invited all Governments to co-operate closely with special rapporteurs appointed by the Commission.

The Commission reaffirmed the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights and of maintaining their independence and integrity; and invited all States and international organizations to submit to the Secretary-General their comments and views on ways and means of strengthening international co-operation in solving international problems of a social, cultural or humanitarian character. That resolution was adopted without a vote.

Concerning national institutions for the promotion and protection of human rights, the Commission encouraged initiatives on the part of Governments and regional, international and intergovernmental organizations and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist. It requested the Centre for Human Rights to continue its efforts in order to enhance co-operation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance and of information and education, not least within the framework of the World Public Information Campaign for Human Rights. It also requested the Secretary-General to publicize the proceedings of that meeting and to make use of their results in the finalization of the manual on national institutions under preparation by the Centre for Human Rights. It decided to continue its consideration of this question as a sub-item under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" at its next session. That resolution was adopted without a vote.

Regarding regional arrangements for the promotion and protection of human rights in the Asian-Pacific region, the Commission encouraged United Nations development agencies in the Asian-Pacific region to co-ordinate with the Economic and Social Commission for Asia and the Pacific (ESCAP) in their efforts to promote the human rights dimension in their activities. It welcomed the holding of the first Asian-Pacific regional workshop on various

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human rights issues and encouraged all States in the region to consider further the establishment of regional arrangements for the promotion and protection of human rights in the Asia and Pacific region.

It requested the Secretary-General to consult the countries of the Asian-Pacific region on the widest possible basis on the implementation of the present resolution; and decided to continue its consideration of the question under the same agenda item at its next session. That resolution was adopted without a vote.

On the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, the Commission reiterated that, by virtue of the principle of equal rights and self-determination of peoples, all peoples have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter of the United Nations, including respect for territorial integrity.

The resolution reaffirmed that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity, and should not be used for political ends. It underlined, in that context, the continuing need for accurate, impartial and objective information on the political, economic and social situations and events of all countries. It also requested the Special Rapporteurs of the Subcommission on Prevention of Discrimination and Protection of Minorities to analyse possible ways and means to secure that accurate, impartial and objective information on the political, economic and social situations and events in all countries, particularly in developing countries, was made regularly available to international public opinion. That resolution was adopted without a vote.

Under a resolution on the consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers, the Commission reiterated its deep concern at the adverse effect, on the enjoyment of human rights, of persistent acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers. It requested all special rapporteurs and working groups to continue paying particular attention to the adverse effect, in their forthcoming reports to the Commission, on the situation of human rights in those countries where such acts of violence occurred. It requested the Secretary-General to continue collecting information on that question from all relevant sources and to make it available to the special rapporteurs and working groups concerned for their consideration. It decided to continue considering that question as a matter of high priority at its next session. That resolution was adopted without a vote.

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Concerning the World Conference on Human Rights, the Commission requested the Secretary-General of the World Conference to arrange for informal consultations among all Member States of the United Nations one working day before the first meeting of the Preparatory Committee in order to prepare for the election of the five officers of the Committee with due regard for equitable geographical representation, in accordance with General Assembly resolution 45/155 of 18 December 1990. It requested the Secretary-General to seek contributions of extrabudgetary resources in order to meet, inter alia, the costs of participation by representatives of the least developed countries in the preparatory meetings and the Conference itself, in conformity with operative paragraph 7 of General Assembly resolution 45/155. The Commission's resolution was adopted without a vote.

Concerning human rights and thematic procedures, the Commission encouraged Governments to respond expeditiously to requests for information made to them through the procedures, so that the Special Rapporteurs concerned and the Working Group on Enforced and Involuntary Disappearances might carry out their mandate effectively. Further, it encouraged Governments encountering problems in the field of human rights to co-operate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a Special Rapporteur or the Working Group on Enforced and Involuntary Disappearances to visit their country.

The Commission invited the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed on the progress made towards their implementation. That resolution was adopted without a vote.

Action on Human Rights of Detainees

In regard to the right to freedom of opinion and expression, the Commission appealed to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, as well as to the rights to freedom of thought, conscience and religion, association, and to peaceful assembly, and the right to take part in the conduct of public affairs, or who sought to promote and defend those rights and freedoms and, where any persons had been detained solely for exercising those rights as laid down in the International Covenant on Civil and Political Rights, to release them immediately. It welcomed the intention of the Special Rapporteurs to study in greater detail measures necessary for the strengthening and promotion of the right to freedom of expression and, inter alia, the concept of a democratic society, the relationship between the right to freedom of opinion and expression, and the right to freedom of association and peaceful assembly and the right to take part in Government. That resolution was adopted without a vote.

By a resolution on the status of special rapporteurs and representatives, members of the Subcommission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission on Human Rights, the Commission requested the Secretary-General to take the necessary measures in order to ensure that all special rapporteurs and special

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representatives, independent experts, members of the Subcommission and members of working groups established by the Commission be considered as "experts on mission" within the context of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations. In that regard it urged States to comply with their obligations under the Convention and also requested the Secretary-General to take the necessary measures in order to ensure the prescribed protection while on field mission for officials of the United Nations Secretariat accompanying special rapporteurs and representatives, members of the Subcommission and members of working groups established by the Commission and to report to the Commission on the measures taken in that regard at its next session. The resolution was adopted without a vote.

In a resolution on the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission decided, without a vote, in order to give States an opportunity to study it, to consider the draft optional protocol at its next session as a specific sub-item entitled "Question of a draft optional protocol to the Convention against Torture". It would be considered under the item: "Question of the human rights of all persons subjected to any form of detention or imprisonment.

Regarding human rights in the administration of justice, the Commission, without a vote, stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance. It emphasized the importance of appropriate education and public information programmes in the field of human rights which would be geared particularly to those responsible for the administration of justice.

The Commission took note of the recommendations made by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders relevant to human rights in the field of the administration of justice (document A/CONF.144/28). On the basis of this consolidated list, it invited the Subcommission on Prevention of Discrimination and Protection of Minorities to study the implementation of United Nations norms and standards in that field; to identify problems that may impinge on the effective implementation of those standards and norms; to recommend viable solutions to take the necessary action with a view to elaborating model texts for national legislation, and to consider the question of the effectiveness of habeas corpus and similar remedies during states of emergency and to formulate suggestions thereon.

In action on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urged all States to become

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parties to the Convention as a matter of priority. It decided to consider the report of the Secretary-General on the status of the Convention at its forty-eighth session.

Regarding the United Nations Voluntary Fund for Victims of Torture, the Commission, by consensus, appealed to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis. It requested the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

By a resolution adopted by consensus on staff members of the United Nations and of the specialized agencies in detention, the Commission appealed again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families. It also urged them, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay. It also urged Member States to allow medical teams to investigate cases in which the health of detained staff members, experts and their families is reported to have suffered; to permit the necessary medical treatment to be made available; and to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families.

By a resolution on torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur, the Commission, without a vote, stressed the importance of limiting, and eventually declaring illegal, incommunicado detention under national law, since the great majority of allegations refer to torture practised during incommunicado detention. It stressed again the recommendation of the Special Rapporteur that legal provisions should be adopted prescribing that a person be given prompt access to a legal counsel after he or she had been arrested and making it obligatory promptly to inform the relatives of an arrested person both of the arrest and the place where the detainee was being held. It further stressed the recommendation of the Special Rapporteur aiming at the organization of proper medical inspections for arrested or detained persons as promptly as possible after their admission to the place of detention and after every transfer to another place of detention. It endorsed the recommendation of the Special Rapporteur that, whenever a person was found to be responsible for acts of torture or severe maltreatment, he or she should be brought to trial and, if found guilty, severely punished.

The Commission also called upon all States to sign and to accede to or to ratify as soon as possible the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requested the

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Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly. It requested the Secretary-General to provide all necessary assistance to the Special Rapporteur in order to enable him to submit his report to the Commission at its forty-eighth session.

With respect to a resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, the Commission, by consensus, took note of the fact that the General Assembly, in its resolution 45/166 of 18 December 1990, welcomed the decision of the Subcommission to entrust Mr. Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers as described in Subcommission resolution 1990/23. It endorsed the decision of the Subcommission to entrust Mr. Joinet with the preparation of that report and; requested the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task. It recommended that the Economic and Social Council take action to endorse the decision of the Commission in support of the proposal of the Subcommission to entrust Mr. Joinet with the preparation of the report, and the Commission's request that Mr. Joinet be given the assistance necessary for the completion of his task.

Concerning hostage-taking, the Commission affirmed, by consensus, that it was a grave violation of human rights, exposing the hostages to privation, hardship, anguish and danger to life and health. It strongly condemned the taking of any persons hostage, whoever was responsible and whatever the circumstances were, whether or not the hostage was chosen at random and whatever his or her nationality. It censured the actions of all persons responsible for taking hostages, whatever their motives, and demanded that they should immediately release those they were holding. It appealed for the humanitarian action of the International Committee of the Red Cross (ICRC) and its delegates to be respected in all circumstances, and called upon States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory. It requested the Secretary-General, whenever so requested by a State, to employ all means at his disposal in order to secure the immediate release of persons held hostage. It decided to remain seized of the question at its next session.

In a resolution adopted by consensus, on the question of enforced or involuntary disappearances, the Commission further requested its Working Group on the subject, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all appropriate information it deemed necessary and all concrete suggestions and recommendations regarding the fulfilment of its task. It encouraged the Governments concerned to give serious consideration to inviting the Working Group to visit their country, so as to enable the Group to fulfil its mandate even more effectively. The Commission urged Governments to take steps to ensure that, when a state of emergency was introduced, the protection of human rights was guaranteed, particularly as regards the prevention of enforced or involuntary disappearances. It reminded Governments of the need to ensure

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that their competent authorities conduct prompt and impartial inquiries when there was reason to believe that an enforced or involuntary disappearance had occurred in a territory under their jurisdiction and requested the Secretary-General, whenever so requested by a State, to employ all means at his disposal to secure the immediate release of persons held hostages.

Regarding the question of arbitrary detention, the Commission, without a vote, decided that the working group, in carrying out its mandate, should seek and receive information from Governments and intergovernmental and non-governmental organizations, and should receive information from the individuals concerned, their families or their representatives. It approved the creation of a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards as set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned.

On the right to a fair trial, the Commission, without a vote, adopted a draft resolution recommended by the Subcommission, in which it requested the Secretary-General to transmit the questionnaire with the working paper to Governments, the specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council for their response and comments. It asked the Secretary-General to transmit the responses to the Special Rapporteurs for consideration in connection with their study; and further requested the Special Rapporteurs to produce a preliminary report based upon their study, the responses to the questionnaire and ways to formulate the basic guarantees necessary for a fair trial into an international standard like a model code. That should be submitted to the Subcommission for consideration, and for comments to the Commission on Human Rights at its next session.

Concerning the question of human rights and states of emergency, the Commission adopted a draft decision by consensus, as recommended by the Subcommission, in which it recommended to the Economic and Social Council the following draft decision: "The Economic and Social Council endorses the request by the Subcommission to Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergencies and to present in his annual report to the Subcommission and the Commission on Human Rights draft standard provisions on emergency situations. The Council further endorses the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require in order to enable him to carry out his work and, in particular, to respond in an effective way to information submitted to him."

Action on Human Rights and Environment

The Commission then turned to the draft resolution on human rights and the environment.

DAVID SCHWARTZ (United States) said the issues in the draft were too ambitious and it was not feasible to deal with environmental issues as a human

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rights matters. The United States thought that there were more appropriate United Nations agencies for discussion on toxic waste.

Under the terms of the draft, the Commission recognized that all individuals were entitled to live in an environment adequate for their health and well-being and endorsed the decision of the Subcommission to entrust Fatma Zohra Ksentini with the task of preparing a study on human rights and the environment. It requested the Secretary-General to invite Governments, United Nations organs, the specialized agencies, intergovernmental and non-governmental organizations and indigenous peoples' organizations, to provide Mrs. Ksentini with information relevant for the preparation of her report.

The Commission also recommended to the Economic and Social Council the adoption of a draft decision endorsing the appointment of Mrs. Ksentini as Special Rapporteur to prepare a study on human rights and the environment and to submit it to the Subcommission with a view to making a timely contribution to the Preparatory Committee of the 1992 United Nations Conference on Environment and Development.

The resolution was adopted by a show-of-hands vote of 39 in favour to 1 against (United States), with 1 abstention (Japan).

Concerning the use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms, the Commission, without a vote, requested the Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-fourth session, to consider the study prepared by the United Nations University, in particular the applicability of its recommendations to the work of the United Nations in the field, and to report on its deliberations to the Commission at the Commission's forty-ninth session. The resolution was adopted without a vote.

On the question of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care, the Commission, without a vote, expressed its appreciation for the work achieved by the open-ended Working Group in the elaboration of a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care. It endorsed the draft body of principles as submitted by the open-ended Working Group, deciding to transmit it -- with the report of the group -- to the General Assembly, through the Economic and Social Council. It called for the adoption by the General Assembly of the draft body of principles and recommended that the introduction should at the same time be published as an accompanying document for the benefit of Governments and the public at large.

In action on the movement and dumping of toxic and dangerous products and wastes, the Commission welcomed the adoption of the Bamako Convention on the Ban on the Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movements of Such Wastes Generated in Africa. It appealed to the international community to support the African countries in their efforts to implement the provisions of the Convention, and it invited the

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United Nations Environment Programme (UNEP) and the Organization of African Unity (OAU) to intensify their collaboration on the problems of transboundary movement of hazardous wastes and their disposal. It decided to consider the question of the inclusion of the movement and dumping of toxic and dangerous products and wastes at its forty-ninth session.

This resolution was adopted by a roll-call vote of 29 in favour to none against, with 12 abstentions, as follows:

In favour: Argentina, Bangladesh, Brazil, Burundi, China, Colombia, Cuba, Cyprus, Czechoslovakia, Ethiopia, Gambia, Ghana, India, Indonesia, Iraq, Madagascar, Mauritania, Mexico, Morocco, Pakistan, Peru, Philippines, Senegal, Swaziland, Ukraine, USSR, Venezuela, Yugoslavia and Zambia.

Against: None.

Abstentions: Australia, Austria, Belgium, Canada, France, Germany, Hungary, Italy, Japan, Portugal, Sweden and United States.

Action on Religious Intolerance

With regard to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Commission, by consensus, invited the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that came before him, to seek the views and comments of the Government concerned on any information which he intended to include in his report, and to carry out his work with discretion and independence. It called upon Governments which had not done so to cooperate with the Special Rapporteur, *inter alia*, by responding expeditiously to requests for such views and comments and, in this connection, it called especially for the cooperation of the Governments whose failure to respond had been noted in successive reports of the Special Rapporteur.

Resolutions on Advisory Services

Regarding the Voluntary Fund for Technical Co-operation, the Commission, without a vote, requested the Secretary-General to continue to elaborate comprehensive programmes of advisory services and technical cooperation, maintaining a clear distinction between technical cooperation projects financed under the Voluntary Fund and other activities like seminars, fellowships and dissemination of documentation to be financed under the regular budget and within the World Public Information Campaign for Human Rights; and further requested the Secretary-General to bring regularly to the attention of all Governments and of the competent human rights organs the possibilities that existed under the Voluntary Fund of providing technical cooperation in the field of human rights to Governments at their request.

Regarding advisory services in the field of human rights, the Commission, in a resolution adopted by consensus, welcomed the increasing number of requests from Governments for support and technical assistance in the field of

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human rights. It reaffirmed that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicated a need for such assistance, and requested the Secretary-General again to provide urgently more human and financial resources for the enlargement of advisory services. It requested the Secretary-General further to intensify coordination within the United Nations system for providing advisory services and technical assistance in the field of human rights; and to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and agencies that were active in providing assistance in the field of development.

By the resolution, the Commission also appealed to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs. It encouraged Governments in need of technical assistance in the field of human rights to avail themselves of the advisory services of experts in the field of human rights. It requested the Secretary-General to report to the Commission at its next session on the progress made in the implementation of the programme of advisory services in the field of human rights.

Statements on Individual and Group Human Rights

ORLANDA CRUZ, of the International Falcon Movement, said that in the Human Rights Commission the right to reply for non-governmental organizations was not recognized. Speakers for the International Falcon Movement had suffered a "barrage of baseless and deplorable accusations" from representatives of a mission whose Government's record of human rights had come under scrutiny. At the Commission last year, Professor Kazem Rajavi, the murdered human rights defender, had been accused by the Iranian Government of being a terrorist. The Special Representative on Iran in his report wrote that the magistrate of the Canton of Vaud in Switzerland had said that the 13 persons implicated in the killing of Prof. Rajavi had justified their presence in Switzerland by means of Iranian official passports bearing the words "on official business". Police officers conducting the investigation had now assembled information which made it possible to state that one or more official Iranian services were directly involved in the killing of Mr. Rajavi. That was a clear example of the risks that the defenders of human rights were facing.

Youth and Human Rights

Introducing the item on the role of youth in the promotion of human rights, including the question of conscientious objection to military service, JAN MARTENSON, Under-Secretary-General for Human Rights, said the international community had for some time recognized that youth had a particularly important role to play in promoting enjoyment of human rights. The Universal Declaration of Human Rights provided, among other things, that education should be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The Subcommission in 1985, in International Youth Year, requested Dimitri Mazilu to prepare a report on human rights and youth analysing the efforts for securing the implementation and enjoyment by youth of human rights. The Subcommission at its last session adopted resolution 1990/32 in that regard.

The matter of conscientious objection for military service, said Mr. Martenson, had been dealt with since 1971 by the Commission and the General Assembly. In 1978, the Assembly had recognized the right of all persons to refuse service in military or police forces which were used to enforce apartheid, and urged Member States to grant to such persons all the rights and benefits normally accorded to refugees. In 1981, the Subcommission had requested two of its members, Asbjorn Eide and Chamba Mubanga-Chipoya, to analyse the question of conscientious objection and its interrelationship with the promotion and protection of human rights. Their report, presented in 1983, contained draft principles relating to the question of conscientious objection.

The Commission had taken an important step forward in 1989 when it recognized in resolution 1989/52 the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, and it had appealed to States to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service. The Commission had further recommended to States with a system of compulsory military service that, where such provision had not already been made, they introduce for conscientious objectors various forms of alternative service which were compatible with the reasons for conscientious objection.

STANISLAV OGURSTOV (Byelorussia) said the international community would have to concentrate more attention on the needs of young people, who were the ones who would build the new world order. Byelorussia had already promulgated a programme for young people, including, among other things, the nomination of a Minister of Youth and the preparation of legislation which was based on that of the United Nations.

MARGARITA ALEMAN, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said obligatory military service was a subject of particular importance to the Federation because it affected hundreds of young men in Latin America who disappeared or were murdered. The circumstances were basically the same for the young men in various countries; to name but one example, in Guatemala military service was obligatory for men between the ages of 18 and 35 years. Governments should prove to be more flexible in treating cases of young people who for one reason or another did not want to do military service.

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Right of Reply

KATSUMI SEZAKI (Japan), responding to a statement made by the representative of International Educational Development, said the officers in charge of police custodial facilities came from a department different from the one in charge of criminal investigations. Investigators were prohibited from dealing with prisoners. Prison law stipulated that the person should be accommodated in a police custodial facility as well as in a prison for pre-trial detention. The judge would make the decision independently from the investigation sector, in accordance with the Constitution and the Code of Criminal Procedure.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/247
6 March 1991

COMMISSION ADOPTS RESOLUTIONS ON CHILDREN'S RIGHTS, MINORITIES, MIGRANT WORKERS, YOUNG PEOPLE, HUMAN RIGHTS PROMOTION

GENEVA, 6 March (UN Information Service) -- At its morning meeting today, the Commission on Human Rights adopted, by consensus, a series of resolutions, 15 in all, addressing the issues of children's rights, the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, migrant workers, minority rights, individual responsibility in human rights promotion and human rights and young people.

The Commission is to hold an extended meeting this afternoon to act on resolutions focusing on human rights violations in any part of the world, and to resume its debate on one remaining resolution on the issue of further promotion of human rights.

Action on Advisory Services

In a resolution on assistance to Guatemala in the field of human rights, the Commission on Human Rights noted with appreciation the report submitted by the Expert on the situation in that country; expressed its gratitude to the Government of Guatemala for its collaboration with the Commission in carrying out its advisory activities, as well as for the facilities and cooperation afforded to the Expert and welcomed the commitment by the new Government there to guarantee the protection of human rights and fundamental freedoms and to exercise the necessary authority to fulfil that commitment.

The Commission deeply deplored the serious violations of human rights which occurred in Guatemala in 1990, in particular the increase in extrajudicial executions, abductions, torture, enforced disappearances, attacks and threats, which had created a climate of intimidation and fear. It urged the Government to initiate or intensify investigations aimed at identifying and bringing to justice those responsible, and to strengthen policies and programmes relating to the situation of the indigenous populations, taking into account their proposals and aspirations, to enable them to enjoy fully their fundamental rights and freedoms. In addition, it requested the Secretary-General to continue to provide the Government with advisory services in the field of human rights; and to extend the mandate of the independent Expert so that he may continue to examine the human rights

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situation in Guatemala. The Commission decided to continue consideration of the matter at its next session.

Action on Children's Rights

Concerning the effective implementation of the Convention on the Rights of the Child, the Commission recognized the important oversight functions of the Committee on the Rights of the Child and invited United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding.

On the report of the Special Rapporteur on the sale of children, the Commission encouraged the Special Rapporteur to continue his work in the light of the conclusions and recommendations contained in his report, and it requested him to report on his activities to the Commission at its next session. It also decided to consider the report by the Special Rapporteur under the agenda item entitled "Rights of the child".

Concerning the rights of the child, the Commission decided to refer the draft programme of action for prevention of sale of children, child prostitution and child pornography to the Subcommission on Prevention of Discrimination and Protection of Minorities so that it might make the necessary amendments in the light of the opinions of States, specialized agencies and non-governmental organizations interested in the matter. It requested the Subcommission to give the highest priority to the reformulation of that programme of action so that it might be adopted at the next session of the Commission on Human Rights, which would consider this question under the item entitled "Rights of the child". The Commission decided to transmit the draft programme of action to interested Governments, specialized agencies and non-governmental organizations for their comments.

It requested member States to support the programme of the International Labour Organisation (ILO) on the elimination of child labour through the appropriate means, including financial contributions. It also requested the Secretary-General to submit to the Commission at its next session an analytical summary of the replies received.

On the programme of action for the elimination of the exploitation of child labour, recommended by the Secretary-General, the Commission endorsed the views expressed by the Subcommission on the need to adopt a concerted programme of action to combat the practices of exploitation of child labour. It decided to transmit the draft programme of action to Governments, the specialized agencies, other intergovernmental organizations and non-governmental organizations for their comments, and requested the Secretary-General to submit to the Commission a summary of the replies. It decided to examine the draft programme of action and the report of the Secretary-General at its next session.

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Resolutions on Work of Sub-Commission

In a resolution on the work of the Subcommission on Prevention of Discrimination and Protection of Minorities, adopted without a vote, the Commission on Human Rights reaffirmed that the Subcommission could best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Subcommission as well as in the expert studies carried out under its auspices. It called upon the Subcommission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council.

The Commission invited the Subcommission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such draft resolutions should be proposed only on subjects that had been thoroughly discussed in the Subcommission or in its working groups and should be consistent with the role of the Subcommission as a body of independent experts; and called upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Subcommission and to fully respect the independence of elected members.

Concerning the International Year for the World's Indigenous People, the Commission recommended that the specialized agencies, regional commissions and other organizations of the United Nations system in their consideration of the contributions they could make to the success of the Year, be guided by how their operational activities could most effectively contribute to the solution of problems faced by indigenous people and how indigenous people could play an important role in the planning, implementation and evaluation of projects which might affect them. The Commission invited States to inform the Secretary-General of their initiatives and to propose themes for the International Year. It also requested the Secretary-General to accept and administer voluntary contributions for the purposes of funding programme activities for the Year.

With regard to the report of the Working Group on Contemporary Forms of Slavery of the Subcommission, the Commission recommended that the General Assembly establish a voluntary fund for contemporary forms of slavery and requested the Economic and Social Council to take further action on this matter. It also commended that the supervisory bodies of the ILO give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery. The Commission also recommended that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining periodic reports of the States parties, give particular attention to the relevant articles of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on

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the Rights of the Child with a view to combating contemporary forms of slavery. It requested Governments to pursue a policy of information, prevention and rehabilitation for women victims of the exploitation of prostitution, and to take the appropriate economic and social measures deemed necessary to that effect.

On the report of the Working Group on Indigenous Populations of the Subcommission, the Commission requested the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations and communities of indigenous populations, in order to encourage the widest possible participation in its work. It appealed to all Governments, organizations and individuals in a position to do so to consider favourably requests for initial as well as further contributions to the Fund.

The Commission adopted the resolution as a whole without a vote, after voting on one of the operative paragraphs, which was approved in a show-of-hand vote of 41 in favour to 1 against, with no abstentions.

Action on Migrant Workers

In a resolution on measures to improve the situation and ensure the human rights and dignity of all migrant workers, adopted without a vote, the Commission welcomed the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It urged all States to consider signing and ratifying, or acceding to, the International Convention as a matter of priority, and called upon the Secretary-General to assume an active role in disseminating information on, and promoting, the International Convention through the World Public Information Campaign for Human Rights and the Advisory Services Programme. It decided to include in the agenda for its next session an item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

Resolution on Rights of Persons Belonging to Minorities

Also adopted without a vote was a resolution concerning the rights of persons belonging to national, ethnic, religious and liguistic minorities, in which the Commission authorized an open-ended Working Group to meet for 20 fully serviced meetings in an inter-sessional session at the beginning of December 1991 to complete its second reading of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, with a view to submitting the text to the Commission on Human Rights at its next session.

In action on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities, a draft resolution recommended by the Subcommission, the Commission, without a vote, expressed its deep appreciation to Special Rapporteur Asbjorn Eide for his progress report on the question. It endorsed the methods proposed by the Special

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Rapporteur for further study, and requested the Special Rapporteur to submit to the Subcommission a preliminary report at its forty-third session. It also requested the Secretary-General to give the Special Rapporteur all the assistance he might require.

Action on Responsibility for Human Rights Promotion

On the question of a draft declaration on the rights and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights, the Commission took note of the report of the Working Group. It welcomed the substantial progress which the Working Group has made at its meetings before and during the current session of the Commission and urged the Working Group to complete its work as soon as possible. It requested the Secretary-General to transmit the report of the Working Group (document E/CN.4/1991/57) to all Member States of the United Nations and to relevant intergovernmental and non-governmental organizations, and decided to consider the question at its next session.

Resolution on Role of Youth in Promotion and Protection of Human Rights

Regarding the role of youth in the promotion and protection of human rights, the Commission called upon all States, all governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people. It called upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms, with a view to creating conditions for the participation of young people in the implementation of programmes for the overall development of their countries. It also decided to include this item in the provisional agenda of its forty-ninth session.

In a resolution on conscientious objection to military service, the Commission requested the Secretary-General to report to the Commission on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him. It decided to consider that matter further at its forty-ninth session.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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7 March 1991

HUMAN RIGHTS COMMISSION CONDEMNS IRAQI VIOLATIONS IN KUWAIT; ALSO ADOPTS RESOLUTIONS ON SITUATIONS IN OTHER AREAS

GENEVA, 6 March (UN Information Service) -- In an extended meeting this evening, the Commission on Human Rights strongly condemned the Iraqi authorities and occupying forces for the grave violations of human rights against the Kuwaiti people and nationals of other States. The Commission also acted on resolutions concerning, among other issues, the human rights situations in southern Lebanon, Cuba, Romania, Iraq, El Salvador, Albania, Haiti and Afghanistan. These resolutions all came under the Commission's agenda item on human rights violations in any part of the world.

Resolutions on the further promotion of human rights and on the work of the Subcommission on Prevention of Discrimination and Protection of Minorities were also adopted.

Action on Kuwait

ABDUL AL-KADHI (Iraq), speaking before the vote on the resolution on the human rights situation in Kuwait, said aggression against Iraq had not begun on 2 August but at the end of the Iran-Iraq war. Iraq had acquired power which threatened the designs of certain parties on the oil of the area. Those parties distorted Iraq's image through slander and attempted to fool the world. The draft resolution should be seen in that context. Iraq had agreed to all Security Council resolutions and had accepted the help of humanitarian organizations. The International Committee of the Red Cross (ICRC) had reported that all prisoners were in good health. The resolution was filled with "baseless, pointless and political allegations".

By its resolution on the situation of human rights in Kuwait under Iraqi occupation, the Commission strongly condemned the Iraqi authorities and occupying forces for their grave violations of human rights against the Kuwaiti people and nationals of other States and, in particular, the acts of torture, arbitrary arrests, summary executions and disappearances. It expressed its serious concern about the systematic destruction, dismantling and pillaging of the economic infrastructure of Kuwait, which seriously undermined the present and future enjoyment by the Kuwaiti people of their economic, social and cultural rights. It demanded that Iraq comply with its

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obligations under the Charter of the United Nations and the contemporary norms of international law.

The Commission strongly condemned the failure of Iraq to treat all prisoners of war and detained civilians in accordance with the internationally recognized principles of humanitarian law and insisted that it refrain from subjecting them to acts of violence, including ill-treatment, torture and summary executions. It demanded that Iraq release immediately all prisoners of war and detained civilians, and condemned further the failure of Iraq to ensure respect for international standards applicable under international law, in particular with reference to the protection of the civilian population, and its failure to cooperate fully, with and give access to, representatives of humanitarian organizations, especially ICRC.

The Commission welcomed the intention of the Government of Kuwait to provide access to ICRC and other humanitarian organizations in order to assist in caring for the civilian population of Kuwait, and decided to appoint an individual of recognized international standing as special rapporteur with a mandate to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq and to report as soon as possible to the General Assembly and to the Commission on Human Rights at its next session.

The resolution was adopted by a show of hands vote of 41 in favour to 1 against, with no abstentions.

Action on Southern Lebanon

On the situation of human rights in southern Lebanon, the Commission condemned the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of the civilian population, the destruction of their homes, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights. It called upon Israel to put an immediate end to such practices and to implement relevant resolutions of the Security Council requiring the immediate, total and unconditional withdrawal of Israel from all Lebanese territory and respect for the sovereignty, independence and territorial integrity of Lebanon. The Commission further called upon the Government of Israel, the occupying Power in southern Lebanon, to facilitate the humanitarian mission of ICRC and other humanitarian organizations in that region and, in particular, to allow those organizations to visit the detention centres of Khiam and Marjeyoun and to ascertain the conditions of detainees.

The resolution was adopted by a show-of-hands vote of 41 in favour to 1 against, with no abstentions.

ANNE PATTERSON (United States), in explanation of vote, said her country was seriously concerned by violations of human rights in south Lebanon, but due to the severely unbalanced nature of the resolution the United States could not support it. All groups in south Lebanon should cease training for planning and launching attacks against Israel. What was needed in south

Lebanon was the extension of the authority of the Lebanese Government, the dissolution of all armed militias and the withdrawal of all non-Lebanese forces.

Action on Cuba

RAUL ROA KOURI (Cuba), commenting on the draft related to his country, said the United States had been steadfastly against Cuba and its revolution. The Cuban Government remained willing to allow investigations into Cuba's human rights record. The United States was not in favour of voluntary cooperation, as demonstrated by the suggestions of amendments to the draft resolution. Cuba was not willing to allow anything to be imposed upon it, and would not accept the resolution as amended.

By the resolution on the situation of human rights in Cuba, as amended on a proposal from the United States, the Commission recognized the cooperation extended to the Secretary-General by the Government of Cuba in accordance with decision 1989/113 of 9 March 1989. It requested the Government of Cuba to continue cooperating with the Secretary-General in carrying out the task entrusted to him, taking into account the international agreements to which Cuba was party and the institutional procedures established in the field of human rights. The Commission, pursuant to the amendments proposed, also requested the Secretary-General to appoint a special representative to maintain direct contacts with the Government and citizens of Cuba on the issues and questions contained in the report of the mission to Cuba. It requested the appointed special representative to carry out his mandate bearing in mind the Universal Declaration of Human Rights and report the results to the Commission at its forty-eighth session.

The amendments proposed by the United States were adopted by a roll-call vote of 21 in favour to 18 against, with 4 abstentions, as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Canada, Czechoslovakia, France, Gambia, Germany, Hungary, Italy, Japan, Morocco, Panama, Philippines, Portugal, Senegal, Swaziland, Sweden and United States.

Against: China, Colombia, Cuba, Ethiopia, Ghana, India, Indonesia, Iraq, Mauritania, Mexico, Pakistan, Peru, Somalia, Ukraine, USSR, Venezuela, Yugoslavia and Zambia.

Abstentions: Brazil, Burundi, Cyprus and Madagascar.

The resolution as a whole was then adopted by a roll-call vote of 22 in favour to 6 against, with 15 abstentions, as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Canada, Czechoslovakia, France, Gambia, Germany, Hungary, Italy, Japan, Madagascar, Morocco, Panama, Philippines, Portugal, Senegal, Swaziland, Sweden and United States.

Against: China, Cuba, Ethiopia, Iraq, Ukraine and USSR.

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Abstentions: Brazil, Burundi. Colombia, Cyprus, Ghana, India, Indonesia, Mauritania, Mexico, Pakistan, Peru, Somalia, Venezuela, Yugoslavia and Zambia.

Action on Romania

On the situation of human rights in Romania, the Commission took note of the fact that, despite regrettable lapses, respect for human rights was in general continuing to improve in Romania. It recommended that the Romanian authorities continue their action to ensure that human rights in all their aspects were respected, both de jure and de facto, and pay particular attention to the points raised in the report of the Special Rapporteur (document E/CN.4/1991/30). The Commission also recommended that the Romanian authorities consider the possibility of continuing to use the United Nations Voluntary Fund for Advisory Services as suggested by the Special Rapporteur in his report. It decided to extend the mandate of the Special Rapporteur for a further year, taking note with appreciation of the readiness of the Government of Romania to cooperate with the Commission and its Special Rapporteur.

Action on Iraq

NASIR MAHMOUD MADHOUR (Iraq), on a draft resolution on the human rights in Iraq, said that for five years the United States and its allies had been trying to put forward a motion censuring his country. However, the tone this year was harsher, exploiting the current situation. Iraq had cooperated fully with the Working Group on Disappearances and the Special Rapporteur on Arbitrary Executions in an effort to clarify the situation. Their reports referred to the period of the war with Iran. Iraq had had no cases of disappearances since 1988. Concerning the Kurds, Iraq was singular in the region in granting Kurds their rights. The Kurds in the north of Iraq had been equally affected by the recent bombardment of Iraq. The countries proposing the resolution shouldered the responsibility for the recent armed violations of Iraqi citizen's human rights. How could the United States and the Western States, having flagrantly violated human rights in Iraq, claim to be the defenders of human rights?

By the draft on the situation of human rights in Iraq, the Commission expressed grave concern at the flagrant violations by the Government of Iraq and urged the Government to ensure full respect for human rights and fundamental freedoms and, in particular: to halt the arbitrary and summary executions as well as the arbitrary detention of political and religious opponents; to put an end to the practices of enforced or involuntary disappearances and the practice of torture; and to guarantee full respect for human rights of all persons in Iraq irrespective of their origin, halting deportation of Iraqi citizens and allowing the deported persons to return to their villages of origin and receive reparation for the damage suffered as a result of their forced displacement.

The Commission also called upon the Government of Iraq to abide by its obligations under the International Covenants on Human Rights, and urged it to cooperate with the Commission and, in particular, to help clarify the pending cases of enforced or involuntary disappearances noted in the report of the

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Working Group on Enforced or Involuntary Disappearances (document E/CN.4/991/20); and to communicate to the Commission any new measures the Government might take in the field of human rights. It requested its Chairman, after consultation with the bureau, to appoint an individual of recognized international standing in the field of human rights as special rapporteur of the Commission; his mandate would be to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq, and to present an interim report to the General Assembly and a report to the Commission at its next session.

The resolution was adopted by a roll-call vote of 30 in favour to 1 against, with 10 abstentions, as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Burundi, Canada, Colombia, Cyprus, Czechoslovakia, Ethiopia, France, Gambia, Germany, Hungary, Italy, Japan, Mexico, Panama, Peru, Philippines, Portugal, Senegal, Swaziland, Sweden, Ukraine, USSR, United States, Venezuela and Yugoslavia.

Against: Iraq.

Abstentions: Bangladesh, China, Cuba, Ghana, India, Indonesia, Madagascar, Pakistan, Somalia and Zambia.

Action on El Salvador

In action on the situation of human rights in El Salvador, the Commission expressed its serious concern at the persistence of politically motivated violations of human rights, such as summary executions, abductions and enforced disappearances, and at the atmosphere of intimidation in which certain sectors of the population lived, and also at the capacity of the judicial system which continued to be unsatisfactory. It urged the competent authorities to accelerate the adoption of the reforms and measures necessary for ensuring the effectiveness of the system. It deplored the irregularities in the judicial proceedings in connection with the assassination of the Rector and other members of the Central American University in 1989 and the lack of cooperation on the part of certain sectors of the armed forces, which has impeded full clarification of such an abominable crime and the punishment of the guilty persons, as described in the report of the Special Representative.

The Commission urged the Government of El Salvador and the Frente Farabundo Marti para la Liberacion Nacional (FMLN) to continue the dialogue and called on the parties to the conflict to guarantee respect for the humanitarian rules applicable to non-international armed conflicts such as that in El Salvador. It urged the parties to take all measures within their power to ensure that in the electoral process scheduled for 10 March next the will of the Salvadorian people shall be expressed. It decided to consider, at

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its next session, the situation of human rights in El Salvador and the mandate of the Special Representative, and decided to extend the mandate of the Special Representative for a further year.

Action on Albania

ALFRED PAPUCIU (Albania), speaking before the vote, said his country was dedicated to democracy and fundamental freedoms. His Government was rebuilding all democratic institutions and now guaranteed the free participation of all political parties in a vote.

In action on the situation of human rights in Albania, the Commission called upon the Government of Albania to free all political prisoners and adopt, as soon as possible, legislative and administrative measures to meet the requirements under the International Bill of Human Rights and other relevant international instruments, by which freedom, democracy and the rule of law would be established and the human rights and fundamental freedoms of all Albanian citizens would be effectively promoted and protected. The Commission emphasized that all Albanian citizens should be enabled to exercise their right to vote and to stand for election and the measures should be taken to guarantee the free expression of the will of the electors during the next proclaimed elections.

Action on Haiti

On the situation of human rights in Haiti, the Commission expressed its satisfaction at the democratic electoral process in Haiti on 6 December 1990 and on 20 January 1991, which had enabled a constitutional government to take office, and also at the full restoration of the 1987 Constitution. The Commission expressed concern that threats continued to loom over democracy and over full respect for human rights. It invited the Government of Haiti to expedite the investigation into the principal massacres and to bring those responsible to trial; expressed its concern at the acts of violence committed in Haiti's rural areas and at the ineffectiveness of the judicial system, expressing its conviction that, as noted by the independent Expert, Philippe Texier, it was important to pursue a fruitful dialogue with the new Haitian Government, with a view to constantly improving the human rights situation in Haiti. The Commission requested its chairman to appoint an independent expert to examine developments in the human rights situation in Haiti and to help to devise measures capable of making the necessary improvements. It called upon the Haitian authorities to continue to cooperate fully with the independent expert, and decided to consider the report of the expert at its next session under the agenda item "Advisory services in the field of human rights".

Action on Afghanistan

In the draft on the situation of human rights in Afghanistan, the Commission urged all parties concerned to continue efforts to achieve a comprehensive political solution. Those should be based on the free exercise of the right to self-determination by the people of Afghanistan through

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democratic procedures acceptable to the Afghan people, including free and fair elections; the cessation of hostilities and the creation of conditions permitting the free return of refugees to their homeland in safety and honour, whenever they wished; and the full enjoyment of human rights by the Afghans. It urged all parties to the conflict to respect the accepted humanitarian rules as set out in the Geneva Conventions and their Additional Protocols. The Commission noted with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians; expressed its concern at reports that the living conditions of refugees, especially those of women and children, were becoming increasingly difficult because of the decline in international humanitarian assistance; and urgently appealed to all Member States, humanitarian organizations and all parties concerned to cooperate fully in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity.

The Commission urged all parties concerned to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees (UNHCR). It also urged all parties concerned to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur. The Commission decided to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly, and to the Commission on Human Rights at its next session, on the situation of human rights in Afghanistan.

Action on Summary or Arbitrary Executions

In a resolution on summary or arbitrary executions, the Commission strongly condemned the large number of summary or arbitrary executions, including extra-legal executions, which continued to take place in various parts of the world It appealed urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions. It encouraged Governments, international organizations and non-governmental organizations to set up training programmes and to support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and urged all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned, to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively.

The Commission urged Governments to undertake all necessary and possible measures to lower the level of violence and the needless loss of life consequent thereupon, during situations of internal violence, disturbances, tensions and public emergency. It decided to consider the question of summary or arbitrary executions as a matter of high priority, at its next session.

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Action on Responsibility for Rights Violations

On the responsibility for the violations of human rights and fundamental freedoms, the Commission expressed its concern at violations of human rights and fundamental freedoms still occurring in many parts of the world, in particular gross and systematic violations, which meant the negation of the principles of the Charter of the United Nations, provisions of the Universal Declaration of Human Rights, International Covenants on Human Rights and other international legal instruments in this field; considered that the establishment of further clear rules regulating responsibility for human rights violations could serve as one of the basic preventive guarantees aimed at averting any infringements of human rights and fundamental freedoms. It invited the competent United Nations bodies to consider the topic of State responsibility for violations of international obligations in the field of human rights and fundamental freedoms. It appealed to States which had not yet done so to undertake necessary legislative measures with a view to establishment of appropriate legal responsibility under domestic law of those responsible for violations of human rights and fundamental freedoms; and it decided to consider this topic again at its next session.

Action on Further Promotion of Human Rights

Concerning the strengthening of United Nations action in the field of human rights through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity, the Commission called upon all Member States to base their activities for the promotion and full realization of all human rights and fundamental freedoms, including the development of further international cooperation in this field, on the United Nations Charter, the International Covenants on Human Rights and other relevant international instruments and to refrain from activities that were inconsistent with this international legal framework. It reaffirmed that such cooperation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, and to the promotion and full realization of human rights and fundamental freedoms for all and to the strengthening of international peace and security. The Commission requested the Secretary-General to invite Governments to provide comments on the contents of this resolution, to be transmitted to the Commission and to the Subcommission on Prevention of Discrimination and Protection of Minorities at its next session, to assist in their further examination of the topic, including possible ways and means to secure that accurate, impartial and objective information on the political, economic and social situations and events in all countries was made regularly available to human rights bodies and international public opinion, with a view to making recommendations on practical measures to promote international cooperation in the field of human rights.

Action on Mass Exoduses

Under a resolution on human rights and mass exoduses, the Commission requested all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human

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rights, as this would contribute to averting new massive flows of refugees and displaced persons. It again invited the Secretary-General and all intergovernmental agencies and offices as well as international agencies concerned, speedily to implement the recommendations contained in the report of the Joint Inspection Unit, particularly with regard to the establishment of a working group and of a consultative machinery within the United Nations system for early warning of possible refugee flows and displaced persons. It welcomed the establishment by the Executive Committee of the Programme of UNHCR of a Working Group on Solutions and Protection.

The Commission further requested the Secretary-General to intensify his efforts to develop the role of the Office for Research and the Collection of Information to strengthen the coordination of information-gathering and analysis with agencies so as to provide early warning of developing situations, as well as to provide a focal point within the United Nations system for policy response. It urged the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early-warning activities in the humanitarian area, and it decided to continue consideration of the question of human rights and mass exoduses at its next session.

Action on Cooperation with Rights Representatives

By a resolution on the co-operation with representatives of United Nations human rights bodies, the Commission requested all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal. It also said access to United Nations human rights procedures should not be hampered in any way. It requested that such representatives and treaty-monitoring bodies should include in their respective reports to the Commission on Human Rights or the Subcommission on Prevention of Discrimination and Protection of Minorities any reference to allegations of intimidation or reprisal or of hampering access to United Nations human rights procedures. They should also report on any actions taken by them in that regard.

The Commission further invited the Secretary-General to submit a report containing any available information, from all appropriate sources, on alleged reprisals against witnesses or victims of human rights violations to the Commission at its next session.

Action on Work of Sub-Commission

By a resolution on the strengthening of the independence of the expert members of the Subcommission on Prevention of Discrimination and Protection of Minorities, as amended and revised pursuant to proposals by France, the Commission proposed that the Economic and Social Council interpret the rules of procedures as they pertained to the Subcommission. It recommended to the Council a resolution that would have the Council interpret rule 59 of the rules of procedure of its functional commissions as follows: "It is

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understood that the Subcommission on Prevention and Protection of Minorities may vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot, when it so decides by a majority of its present and voting members".

Amendments proposed by France were adopted by a roll-call vote of 23 in favour to 3 against, with 17 abstentions, as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, France, Gambia, Germany, Hungary, Italy, Japan, Mauritania, Mexico, Panama, Portugal, Senegal, Sweden, Ukraine, USSR, United States and Venezuela.

Against: China, Cuba and Ethiopia.

Abstentions: Bangladesh, Burundi, Colombia, Cyprus, Ghana, India, Indonesia, Iraq, Madagascar, Morocco, Pakistan, Peru, Philippines, Somalia, Swaziland, Yugoslavia and Zambia.

The resolution as a whole was the adopted by a show-of-hands vote of 23 in favour to 4 against, with 15 abstentions.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/249
7 March 1991

HUMAN RIGHTS COMMISSION TO CONTINUE CONSIDERATION OF RIGHTS SITUATION IN IRAN

GENEVA, 7 March (UN Information Service) -- The Commission on Human Rights decided this morning to continue consideration of the human rights situation in Iran.

It noted with concern the allegations of human rights violations in Iran and requested its Special Representative, Reynaldo Galindo Pohl, to maintain his contacts and cooperation with the Government of Iran. The Commission also welcomed the full cooperation extended by the Government of Iran to the Special Representative. Those actions were taken under a resolution presented by the Commission Chairman, Enrique Bernales Balesteros (Peru), and approved by consensus.

Last year, the Commission extended the mandate of the Special Representative, as contained in Commission resolution 1984/54, for a further year and requested him to submit to the General Assembly at its next session, an interim report on the human rights situation in Iran, including the situation of minority groups such as the Baha'i, and a final report to the Commission's current session (document E/CN.4/1991/35).

Before resuming its public debate this morning, the Commission completed its study of situations that appeared to reveal a consistent pattern of gross violations of human rights; it took decisions on Chad, Myanmar, Somalia and the Sudan. The Commission also decided to end its examination of the human rights situation in Zaire. The situation in those countries is studied under the confidential procedure established under Economic and Social Council resolution 1503.

Action on Iran

By a resolution on the situation of human rights of Iran, the Commission took note with appreciation of the interim report to the General Assembly and the final report to the Commission on Human Rights, in particular the conclusions and recommendations they contained. It noted with concern the allegations of human rights violations in Iran, and welcomed the full cooperation extended by the Government of Iran to the Special Representative,

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which had reached its highest level, as well as the Government's intention to continue that cooperation.

The Commission called upon the Iranian Government to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights to which Iran was a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoyed the rights recognized in those instruments. It noted the invitation extended by the Iranian Government to the International Committee of the Red Cross (ICRC) to visit prisons in Iran. The Commission, further, endorsed the view of its Special Representative that the question of displaced persons and refugees, as well as of chemical weapons victims in Iran, could fall within the mandate of the Special Representative and could be covered in his report.

Also, the Commission invited the Secretary-General to respond favourably, in accordance with the normal practices of the Centre for Human Rights, to requests for technical assistance from the Government of Iran. It asked the Special Representative to maintain his contacts and cooperation with the Government and to report on the further progress on the recommendations in his report, and to submit a report to the Commission at its next session. The Commission would consider the report with a view to discontinuing the mandate if further progress were achieved on his recommendations.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/250
11 March 1991

HUMAN RIGHTS COMMISSION CONCLUDES SESSION

GENEVA, 8 March (UN Information Service) -- The Commission on Human Rights forty-seventh session today after adopting its report to the Economic and Social Council and taking note of the provisional agenda of its next session, which is scheduled to take place from 27 January to 6 March 1992.

At the start of this last meeting, the Commission's Chairman, on the occasion of International Women's Day, paid tribute to the women who had participated in the work of the Commission's just-concluded session.

Chairman's Closing Statement

ENRIQUE BERNALES BALLESTEROS (Peru), Chairman of the forty-seventh session of the Commission on Human Rights, said the international community was comforted by the fact that peace had been restored in the Gulf. Peace and human rights were necessary pillars for progress. "Ours was an era of change -- but also a time for modification", he said. "Emerging before our eyes was a new international structure, which was a globally positive trend."

The right of people to self-determination was more and more recognized, he said. The last decade could be said to have been a lost decade from an economic point of view, but from the point of view of political developments it had been a decade for human rights. The active commitment to human rights of non-State actors such as non-governmental organizations was the best example of dedication to human rights. The conscience of the peoples of the world could not permit 300,000 children to die every day for want of food and care. Arbitrary executions and torture as well were unacceptable misfits in this new world order. Although apartheid was coming to an end, sanctions should remain in place until it was completely abolished. While focusing on the work of the forty-seventh session, the Chairman also said the resolution against arbitrary detention was a welcome development of major importance, for the first time, the United Nations would have the specific mechanisms for investigating such violations.

Mr. Bernales Ballesteros added that of the 82 resolutions adopted 75 were by consensus, a significant 91.4 per cent. The work undertaken in preparation of the World Conference on Human Rights in 1993 was of paramount importance.

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Decisions taken at such conferences could have a considerable effect on millions of people around the world.

Representatives of the following groups of States made closing statements: I.S. Chadha (India), on behalf of the Asian Group; Christian Strohal (Austria), on behalf of the Western Group of Other States; Youri Rechetov (Soviet Union), on behalf of the Eastern Group; E.A. Azikiwe (Nigeria), on behalf of the African Group; Horacio Arteaga (Venezuela) on behalf of the Latin American Group; and Mirjana Radic (Yugoslavia), on behalf of the Non-Aligned Group.

Provisional Agenda of Forty-Eighth Session

The following matters are included in the draft agenda approved by the Commission on Human Rights for its 1992 session: occupied Arab territories, including Palestine; self-determination; South Africa, apartheid and racism; economic, social and cultural rights; right to development; status of covenants; and treaty bodies.

Also, in addition to public and confidential country procedures, the following would be taken up as well: disappearances, torture, summary executions, mercenaries, religious intolerance and rights of the child.

The standard-setting matters to be considered in 1992 cover the protection of detainees, including detention of international civil servants; migrant workers; science and technology; minorities; and rights and responsibilities' declaration.

Finally, the forty-eighth session will consider ways to further promote human rights: studies and research; advisory services; alternative approaches; national institutions; and role of the Centre for Human Rights.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

Round-up of Session

HR/CN/251
12 March 1991

FORTY-SEVENTH SESSION OF COMMISSION ON HUMAN RIGHTS

GENEVA, 28 JANUARY - 8 MARCH

Condemns Iraq for Grave Violations in Kuwait, Calls for Pressure to End Apartheid, Condemns Israel for Rights Violations in Occupied Territories

GENEVA, 8 March (UN Information Service) -- The United Nations Commission on Human Rights concluded the work of its forty-seventh session today after taking note of the provisional agenda for its next session and adopting its report to the Economic and Social Council.

During its six-week session, which began in Geneva on 28 January, the 43-member Commission considered numerous measures to protect, promote and guide policies, programmes and activities in the field of human rights.

The Commission condemned the Iraqi authorities and occupying forces for grave violations of human rights against the Kuwaiti people and nationals of other States. It also voiced its serious concern over the systematic destruction of Kuwaiti infrastructure, and it decided to appoint a special rapporteur to examine the violations committed in occupied Kuwait by the invading forces of Iraq.

On the situation of human rights in Iraq itself, the Commission expressed grave concern at flagrant human rights violations and urged Iraq to halt arbitrary and summary executions, arbitrary detentions of political and religious opponents and to put an end to the practices of torture and enforced or involuntary disappearance. It requested its Chairman to appoint a special rapporteur to advise the General Assembly and the Commission on these matters.

Concerning South Africa, the Commission appealed to the international community to maintain all forms of measures to bring pressure to bear upon the Government of South Africa in order to achieve a profound and irreversible change to eradicate the policy of apartheid and the inhuman practices associated with this policy.

Regarding the question of the violation of human rights in the occupied Arab territories, including Palestine, the Commission condemned the policies

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and practices of Israel which violated the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem. It strongly condemned Israel for its continued occupation of the Palestinian territories, which constituted the main obstacle to exercise by the Palestinian people of their national rights. It called upon Israel to withdraw from the territories it had occupied since 1967, including Jerusalem. The Commission reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Fourth Geneva Convention.

In action on Cuba, the Commission requested the Cuban Government to continue its cooperation with the Secretary-General. It asked the Secretary-General to appoint a special representative to maintain direct contacts with the Government and citizens of Cuba.

During the session, the Chairman acknowledged with satisfaction the decision announced by the Government of the Soviet Union that investigations into the violent events in Lithuania and Latvia had been initiated, and that the Chairman of the Commission would be duly informed of their outcome.

In action on the situation of human rights in Albania, the Commission called upon that Government to free all political prisoners and emphasized that all Albanian citizens should be able to exercise their rights to vote and to stand for elections.

On the situation of human rights in Haiti, the Commission expressed satisfaction at the democratic electoral process in Haiti, which had enabled a constitutional Government to take office It expressed concern, however, that threats to democracy and full respect for human rights continued to persist.

By a resolution on the situation of human rights in Iran, the Commission noted with concern allegations of human rights violations and welcomed the full cooperation the Iranian Government had extended to the Special Representative, who was asked to submit a further report to the forty-ninth session.

The Commission also considered the human rights situation in southern Lebanon, El Salvador, Afghanistan, Equatorial Guinea, Guatemala, Romania and Western Sahara.

The Commission requested the Secretary-General to take the necessary measures to ensure that all special rapporteurs and special representatives, independent experts, members of the Subcommission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission be considered as "experts on mission" within the context of the Convention on the Privileges and Immunities of the United Nations. It appealed again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and their families.

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The Commission requested the Secretary-General of the 1993 World Conference on Human Rights to arrange for informal consultations among all Member States in order to prepare for the election of the Conference's Preparatory Committee with due regard for equitable geographical representation.

As for human rights and the environment, the Commission recognized that all individuals were entitled to live in an environment adequate for their health and well-being.

Concerning the rights of the child, the Commission decided to transmit the draft programme of action for the elimination of the exploitation of child labour to interested Governments, specialized agencies and non-governmental organizations for their comment.

It approved measures relating religious intolerance; torture or other cruel, inhuman or degrading treatment; summary executions; enforced or involuntary disappearances; hostage-taking; mass exoduses; mercenaries; and elimination of slavery and slavery-like practices. The Commission also approved measures to promote and protect a broad range of human rights, including the rights of youth, migrants and indigenous populations; human rights and the administration of justice; and advisory services.

The Commission reviewed confidential communications on the human rights situations in Chad, Myanmar, Somalia, the Sudan and Zaire. The human rights situation in Zaire will no longer be subject to review under this procedure.

In addition, the Commission decided to postpone the debate on the question of human rights in Cyprus to its next session when the issue would be examined with high priority. By a draft decision proposed by the Chairman, the Commission welcomed the endorsement by United Nations Security Council resolution 668 (1990) of the framework for a comprehensive political settlement of the Cambodian conflict.

It also adopted a number of decisions relating to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities.

The Commission heard 786 statements and approved 82 draft resolutions. Among its new responsibilities are an inter-sessional group on disappearances and a working group on arbitrary detentions.

The Commission was addressed by the Ministers for Foreign Affairs of Colombia, Luxembourg, Sweden, Norway, Romania, Hungary, Uruguay, Chile, Guatemala, Angola, Paraguay and Haiti. Also speaking before the Commission were the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom; the Chairman of the Supreme Soviet of the Ukraine; a member of the Presidium of the Supreme Soviet of the USSR; the Minister of Justice of Rwanda; the Minister in charge of Human Rights of the Sudan; the Vice Prime-Minister of Zaire; the Minister for Planning of Kuwait, and a Minister from the ministry of Foreign Affairs of France.

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Officers

The Chairman of the session was Enrique Bernales Ballesteros (Peru). The Vice-Chairmen were: Goetz-Alexander Martius (Germany); Kojo Amoo-Gottfried (Ghana); and Vladimir A. Vassilenko (Ukraine). The Rapporteur was Masahiro Tauchi (Japan).

Membership

The following States are members of the Commission: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Burundi, Canada, China, Colombia, Cuba, Cyprus, Czechoslovakia, Ethiopia, France, Gambia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Italy, Japan, Madagascar, Mauritania, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Portugal, Senegal, Somalia, Swaziland, Sweden, Ukraine, USSR, United States, Venezuela, Yugoslavia and Zambia. (The Economic and Social Council, at its first regular session of 1990, decided to increase the Commission's membership by 10, the additional seats to be distributed among the African, Asian and Latin American regional groups.)

South Africa, Apartheid and Racial Discrimination

Through a resolution on detention, torture and other inhuman treatment of children in South Africa, the Commission reiterated its vigorous condemnation of the detention, torture and inhuman treatment of children in South Africa; demanded that South Africa lift forthwith the restrictions imposed on children, and ensure their basic and legitimate freedoms.

With regard to the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa, the Commission expressed its appreciation to the Special Rapporteur, Ahmed Khalifa, for his updated report, and expressed its thanks to all Governments and organizations that which supplied the Special Rapporteur with information. The Commission called upon all Governments to disseminate the updated report and give its contents the widest possible publicity. It requested the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on a special mission within the perspective of the next update of the present report.

In another resolution on the same subject, the Commission vigorously condemned the assistance rendered by the major Western States and Israel to South Africa in the political, economic, financial and particularly the military field, expressing its conviction that this assistance constituted a hostile action against the people of South Africa and the neighbouring States; it demanded that such assistance be immediately terminated. It also condemned the continuing nuclear collaboration of some Western States, Israel and other States with the racist regime of South Africa and urged those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology which threatened peace and international security and obstructed efforts to eliminate apartheid.

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The Commission called upon all Governments that had not yet done so to take legislative, administrative or other measures with a view to putting a stop to their trading, manufacturing and investing activities in South Africa. Measures should be taken to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and, in particular, to cease all collaboration with South Africa in the nuclear field.

It condemned the violations of civil, political, economic, social and cultural human rights which are still going on under the system of apartheid in South Africa. And while it commended the positive changes which had taken place in South Africa in 1990 under President F.W. de Klerk, it urged the South African Government to repeal all discriminatory and repressive legislations under apartheid without delay and proceed to negotiate in good faith for a democratic non-racial government with the representatives of the people.

Furthermore, the Commission called upon the international community to maintain all necessary measures against South Africa in order to create a climate conducive to negotiations in which all the parties concerned would agree on transitional arrangements to a democratic order, and decided to renew for a further period of two years the mandate of the Ad Hoc Group of Experts on Southern Africa. The Commission also requested the Government of South Africa to allow the Group to visit that country.

On the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Commission urged all States to ratify or accede to the Convention without delay, especially those States which had jurisdiction over transnational corporations operating in South Africa; and called upon States whose transnational corporations continued to do business with South Africa to take all appropriate steps to terminate those dealings.

Concerning the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, the Commission stressed the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requested the Secretary-General to prepare and finalize, with the assistance of experts in the field, a handbook of recourse procedures.

It requested the Secretary-General to organize in 1991 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives. It also recommended that the General Assembly take steps to launch a third decade to combat racism and racial discrimination, to begin in 1993.

Israeli-occupied Territories

Regarding the question of the violation of human rights in the occupied Arab territories, including Palestine, the Commission condemned the policies

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and practices of Israel, which violated the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, in particular such acts as the opening of fire by the Israeli army and settlers on Palestinian civilians that results in killing and wounding them, as has happened continuously since the eruption of the Palestinian people's intifadah against Israeli military occupations, and as took place on 20 May 1990 in Rishon Letzion and in the Al-Aqsa Mosque on 8 October 1990. Among other things, the Commission also condemned the imposition of restrictive economic measures; the demolition of houses; collective punishment; arbitrary and administrative detention of thousands of Palestinians; and expropriation of land. It also affirmed the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions. It called upon Israel to withdraw from the Palestinian territory, including Jerusalem, and other occupied Arab territories in accordance with the resolutions of the United Nations and the Commission in that regard.

In addition, the Commission strongly condemned Israel's refusal to apply the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, to Palestine and the Arab territories occupied since 1967 and to their inhabitants, and Israel's policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons in contravention of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights. It strongly condemned Israel for its continuation of a policy of deportation of Palestinian citizens and their expulsion outside their homeland.

In reference to the situation in occupied Palestine, the Commission strongly condemned Israel for its continued occupation of the Palestinian territories, which constituted the main obstacle to the exercise by the Palestinian people of their national rights, foremost of which was their right to free self-determination on their national soil. It called upon Israel to comply with its obligations under the Charter and to withdraw from the territories which it had occupied since 1967, including Jerusalem.

On human rights in the occupied Syrian Arab territory, the Commission strongly condemned Israel for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council in which, among other things, the Council decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and demanded that Israel, the occupying Power, should rescind forthwith its decision. It condemned the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan and emphasized that the displaced persons of the population of the occupied Syrian Arab Golan must be allowed to return to their homes and to recover their properties.

The Commission, further, requested the Secretary-General to bring the present resolution to the attention of all Governments, competent United

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Nations organs, specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to report to it at its next session.

By a resolution on Israeli settlements in the occupied Arab territories, the Commission reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Fourth Geneva Convention, and it regretted that the Government of Israel did not comply with the provisions of resolution 1990/1 adopted by the forty-sixth session of the Commission. It urged the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories.

Economic, Social, Cultural Rights and Right to Development

With regard to the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development, the Commission expressed appreciation for the reports on the realization of economic, social and cultural rights prepared by Danilo Türk, Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities; invited Governments to provide the Special Rapporteur with their comments and information at their disposal about their experience on the impact of economic adjustment policies arising from foreign debt on the enjoyment of human rights. It decided to continue consideration of this item at its next session.

Concerning the question of human rights and extreme poverty, the Commission reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity, and that urgent national and international action was required to eliminate them. It recommended that the Subcommission on Prevention of Discrimination and Protection of Minorities, when considering the method and plan of work for the study on human rights and extreme poverty, should give attention more particularly to the conditions in which the poorest themselves could contribute to a better understanding of the harsh reality of their lives and its causes.

On the right to development, the Commission reaffirmed the importance of that right; and called upon the Secretary-General to submit to its next session concrete proposals on the effective implementation of the Declaration on the Right to Development. It also called upon the Preparatory Committee for the 1993 World Conference on Human Rights to take that Declaration fully into account and decided to consider this question at its next session.

Also, the Commission requested the Secretary-General to organize, under the United Nations programme of human rights activities in 1992-1993, an expert seminar for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights. It urged the Economic and Social Council to bear in mind its responsibility for effective implementation of the International Covenant; and invited the Council to identify ways in which international cooperation and

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technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant. It decided to consider issues raised by the present resolution at its next session.

With regard to respect for the right of everyone to own property alone as well as in association with others, the Commission asked the Chairman to entrust an independent expert with the task of preparing a study, which should suggest ways and means to implement that right, bearing in mind the goals of attaining social justice and fostering the enjoyment of all human rights and fundamental freedoms. It requested the independent expert to analyse the right to own property alone as well as in association with others in relation to personal property and economically productive property, taking into consideration the question of social justice and the ways to achieve it. It ask that a preliminary report be submitted to the Commission at its next session, in 1992.

Promotion and Protection of Human Rights

On the effective functioning of bodies established pursuant to United Nations human rights instruments, the Commission endorsed the continuing efforts aimed at streamlining the otherwise improving reporting procedures by the treaty bodies and the Secretary-General, within their respective spheres of competence. It endorsed the recommendation to institutionalize the meeting of chairmen of human rights treaty bodies, and requested the General Assembly to take appropriate action to enable these meetings to be held on an annual basis. It also stressed the continuing need for consultation and exchange of information between all treaty bodies, and urged States parties to make every effort to meet their reporting obligations. States parties were urged to meet without delay all their financial obligations pursuant to United Nations human rights instruments.

Concerning the coordinating role of the Centre for Human Rights, the Commission supported the efforts of the Secretary-General to enhance the role and importance of the Centre as a coordinating unit in the system of bodies dealing with the promotion and protection of human rights. It invited him to request Governments, agencies, intergovernmental and non-governmental organizations to express their views on the strengthening of the Centre's activities with special emphasis on new directions and forms. Among those, the resolution included increasing the representation of underrepresented groups of States in senior and policy-formulating posts, while safeguarding the principle of equitable geographical distribution, in accordance with the General Assembly resolutions, particularly resolution 45/125 on the improvement of the position of women in the Secretariat. Further, the Secretary-General was asked to submit a report setting out those views of Governments, agencies and organizations to the Commission at its next session. It also decided to discuss at that session the coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights.

Concerning developments relating to the activities of the Centre for Human Rights, the Commission reiterated its concern that programme and

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resource proposals for long-term solutions responding to the needs of the Centre included in the outline of the proposed programme budget for the biennium 1992-1993 and requested the Secretary-General to submit a report on developments relating to the Centre for Human Rights, to the forty-sixth session of the General Assembly.

On the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights, the Commission supported the general thrust of the proposed programme of implementation of the Campaign. It urged all Member States to include in their educational curricula materials for a comprehensive understanding of human rights issues, bearing in mind the availability of the teaching booklet published by the Centre for Human Rights; and encouraged all those responsible for training in law and its enforcement to include appropriate human rights components in their programmes. The Commission encouraged the efforts of the Centre to develop a manual for higher education in human rights, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and to organize a meeting of experts in the course of 1991.

Regarding international cooperation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms, the Commission called on Member States to implement fully the universally recognized international standards for the promotion and protection of human rights enshrined particularly in the Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments. The Commission reaffirmed the importance of developing, in accordance with national legislation, effective national institutions for the promotion and protection of human rights.

On national institutions for the promotion and protection of human rights, the Commission encouraged initiatives on the part of Governments, regional, international and intergovernmental organizations and non-governmental organizations intended to strengthen existing national institutions and to establish such institutions where they do not exist. It requested the Centre for Human Rights to continue its efforts to enhance cooperation between the United Nations and regional and national institutions, particularly in the fields of advisory services and technical assistance and of information and education, within the framework of the World Public Information Campaign for Human Rights.

Regarding regional arrangements for the promotion and protection of human rights in the Asian-Pacific region, the Commission encouraged United Nations development agencies in that region to coordinate with the Economic and Social Commission for Asia and the Pacific (ESCAP) in their efforts to promote the human rights dimension in their activities; and welcomed the holding of the first Asian-Pacific regional workshop on various human rights issues.

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On the strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity, the Commission reiterated that all peoples have the right to freely determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter. It reaffirmed that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends. It underlined the continuing need for accurate and impartial information on the political, economic and social situations and events of all countries. It asked the Special Rapporteurs of the Subcommission, to analyse possible ways to secure that accurate and objective information on the political, economic and social situations and events in all countries, particularly in developing countries, was made regularly available to international public opinion.

Under a resolution on the consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers, the Commission reiterated its deep concern at the adverse effect on the enjoyment of human rights of persistent acts of violence committed in many countries by armed groups, regardless of their origin, that spread terror among the population, and by drug traffickers. It requested all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the situation of human rights in those countries where such acts of violence occurred. It decided to continue considering that question as a matter of high priority at its next session.

On the 1993 World Conference on Human Rights, the Commission requested that Conference's Secretary-General to arrange for informal consultations among all Member States of the United Nations before the first meeting of the Preparatory Committee, in order to prepare for the election of the five officers of the Committee with due regard for equitable geographical representation. It requested the Secretary-General to invite contributions of extrabudgetary resources to meet, among other things, the costs of participation by representatives of the least developed countries in the preparatory meetings and the Conference itself.

Administration of Justice and Human Rights of Detainees

Regarding the right to freedom of opinion and expression, the Commission appealed to all States to ensure respect and support for the rights of all persons who exercised the right to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, association, and to peaceful assembly, and the right to take part in the conduct of public affairs, or who sought to promote and defend these rights and freedoms and, where any persons had been detained solely for exercising these rights to release them immediately. It welcomed the intention of the Special Rapporteurs to study in greater detail measures necessary for the strengthening and promotion of the right to freedom of expression, the relationship between the right to freedom of expression and the right to

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freedom of association and peaceful assembly, as well as the right to take part in Government.

In a resolution on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission decided, in order to give States an opportunity to study it, to consider the draft optional protocol at its next session under the item: "Question of the human rights of all persons subjected to any form of detention or imprisonment".

Regarding human rights in the administration of justice, the Commission stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice, in particular under United Nations programmes of advisory services and technical assistance. It emphasized the importance of education and public information programmes in the field of human rights which would be geared particularly to those responsible for the administration of justice.

In action on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Commission stressed the importance of strict adherence by States parties to the obligations under the Convention for the financing of the Committee against Torture, thus enabling it to carry out in an effective manner all the functions entrusted to it under the Convention. And it urged all States to become parties to the Convention as a matter of priority.

On the United Nations Voluntary Fund for Victims of Torture, the Commission appealed to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis; and requested the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, through the preparation, production and dissemination of information material.

By a resolution on the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Commission stressed the importance of limiting, and eventually declaring illegal, incommunicado detention under national law, since the great majority of allegations refer to torture practised during incommunicado detention. It re-emphasized the Special Rapporteur's recommendation that legal provisions should be adopted prescribing that a person shall be given prompt access to a legal counsel, after arrest, and making it obligatory to inform promptly the relatives of an arrested person of both the arrest and the place where the detainee was being held. It further stressed the organization of proper medical inspections for arrested or detained persons as promptly as possible after their admission to the place of detention and after every transfer to another place of detention and that, whenever a person was found to be responsible for acts of torture or severe maltreatment, he or she should be brought to trial and, if found guilty, severely punished.

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Concerning a resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, the Commission took note of the fact that the General Assembly, in its resolution 45/166 of 18 December 1990, welcomed the decision of the Subcommission to entrust Special Rapporteur Philippe Joinet of France with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers. It requested the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

With respect the right to a fair trial, the Commission adopted a draft recommended by its Subcommission, in which it requested the Secretary-General to transmit the questionnaire with the working paper on the question to Governments, the specialized agencies and non-governmental organizations for response and comments. It also asked the Secretary-General to transmit the responses to the Special Rapporteurs for making a study of this matter and further asked that they produce a preliminary report based upon the responses to the questionnaire and ways to formulate the basic guarantees necessary to a fair trial into an international standard similar to a model code.

Arbitrary Detention

On the question of arbitrary detention, the Commission decided that the working group, in carrying out its mandate, shall seek and receive information from Governments, intergovernmental and non-governmental organizations, and from the individuals concerned, their families or their representatives. It went on to approve the creation of a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with international standards as set forth in the Universal Declaration of Human Rights or in international legal instruments.

Hostage-taking

Concerning the question of hostage-taking, the Commission affirmed that the taking of hostages constituted a grave violation of human rights, exposing the hostages to privation, hardship, anguish and danger to life and health. It strongly condemned the taking hostage of any persons, whatever the circumstances, whether or not the hostage was chosen at random and whatever his or her nationality was. The Commission censured the actions of all persons responsible for taking hostages, regardless of their motives. It demanded that they should immediately release those they were holding; appealed for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected in all circumstances; called upon States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory. It requested the Secretary-General, whenever so requested by a State, to employ all means at his disposal in order to secure the immediate release of persons held hostage.

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Involuntary Disappearances

In a resolution on the question of enforced or involuntary disappearances, the Commission asked the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all information it deemed necessary and all concrete recommendations for the fulfilment of its task. It encouraged the Governments concerned to give serious consideration to inviting the Working Group to visit their country, so as to enable it to fulfil its mandate even more effectively. The Commission urged Governments to take steps to ensure that when a state of emergency was introduced, the protection of human rights was guaranteed, particularly concerning the prevention of involuntary disappearances. And it reminded Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there was reason to believe that an enforced disappearance had occurred in a territory under their jurisdiction.

Summary or Arbitrary Executions

On summary or arbitrary executions, the Commission strongly condemned the large number of such executions, including extra-legal executions, which continued to take place in various parts of the world. It appealed urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including those that were extra-legal. It encouraged Governments, international organizations and non-governmental organizations to set up training programmes and to support projects to train or educate law enforcement officers in human rights issues connected with their work; and urged all Governments, in particular those that have consistently not responded to communications transmitted to them by the Special Rapporteur, to cooperate with and assist him so that he may carry out his mandate.

United Nations Staff

In a resolution on the status of special rapporteurs and representatives, members of the Subcommission on Prevention of Discrimination and Protection of Minorities and members of working groups established by the Commission on Human Rights, the Commission requested the Secretary-General to take the necessary measures to ensure that all special rapporteurs and special representatives, independent experts, members of the Subcommission and members of working groups established by the Commission be considered as "experts on mission" within the context of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations. In that regard, the Commission urged States to comply with their obligations under the Convention. It asked the Secretary-General to take the necessary measures to ensure the prescribed protection on field mission for officials of the United Nations Secretariat accompanying special rapporteurs and representatives, members of the Subcommission and members of working groups established by the Commission and to report to the Commission on the measures taken, at its next session.

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On the question of staff members of the United Nations and of the specialized agencies in detention, the Commission appealed again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations and its related bodies. It urged those States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, to provide adequate and prompt information on the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay. It also urged Member States to allow medical teams to investigate cases in which the health of staff members, experts and their families who are being detained, is reported to have suffered and to permit the necessary medical treatment to be made available. They were also urged to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families.

Indigenous Populations

Concerning the 1993 International Year for the World's Indigenous People, the Commission recommended that the specialized agencies, regional commissions and other organizations of the United Nations system be guided by how their operational activities could most effectively contribute to the solution of problems faced by indigenous people and how indigenous people could play an important role in the planning, implementation and evaluation of projects which may affect them.

On the report of the Subcommission's Working Group on Indigenous Populations, the Commission requested the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks, including adequate dissemination of information on the Group's activities, to Governments, specialized agencies, non-governmental organizations, as well as organizations and communities of indigenous populations, in order to encourage the widest possible participation in its work. The Commission appealed to Governments, organizations and individuals to consider favourably requests for initial as well as further contributions to the Fund.

Human Rights and Scientific and Technological Developments

On human rights and the environment, the Commission recognized that all individuals were entitled to live in an environment adequate to their health and well-being and endorsed the decision of the Subcommission to entrust a study of the question to Fatma Zohra Ksentini as Special Rapporteur. It requested the Secretary-General to invite Governments, United Nations organs, the specialized agencies, intergovernmental and non-governmental organizations, and indigenous peoples' organizations, to provide Mrs. Ksentini with information for the preparation of her study.

Concerning the use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms, the Commission asked the Subcommission on Prevention of Discrimination and

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Protection of Minorities to consider the study prepared by the United Nations University, in particular the applicability of its recommendations to the work of the United Nations in the field, and to report on its deliberations to the Commission's forty-ninth session in 1993.

On the question of a draft body of principles for protection of persons with mental illness and for improvement of mental health care, the Commission expressed its appreciation for the work achieved by the open-ended Working Group in the elaboration of a draft body of principles, and endorsed the draft principles.

In action on the movement and dumping of toxic and dangerous products and wastes, the Commission welcomed the adoption of the Bamako Convention on the Ban on the Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movements of Such Wastes Generated in Africa. It appealed to the international community to support the African countries in their efforts to implement the Convention's provisions. It invited the United Nations Environment Programme and the Organization of African Unity to intensify their collaboration on the problems of transboundary movement of hazardous wastes and their disposal and decided to consider the question of wastes at its 1993 session.

Afghanistan

Regarding the situation of human rights in Afghanistan, the Commission reaffirmed the right of the Afghan people to self-determination, to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever. The Commission emphasized the need for an early start of the intra-Afghan dialogue for the establishment, through democratic procedures acceptable to the Afghan people, of a broad-based government to ensure the broadest support and immediate participation of all segments of the Afghan people.

The Commission noted with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians; expressed its concern at reports that the living conditions of refugees, especially those of women and children, were becoming increasingly difficult because of the decline in international humanitarian assistance; and urgently appealed to all Member States, humanitarian organizations and all parties concerned to cooperate fully in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity.

Albania

Concerning the situation of human rights in Albania, the Commission called on the Government of Albania to free all political prisoners. It, further, called for the adoption as soon as possible, of legislative and administrative measures to meet the requirements under the International Bill of Human Rights and other applicable international instruments, by which freedom, democracy and the rule of law would be established, and the human

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rights and fundamental freedoms of all Albanian citizens would be promoted and protected. The Commission emphasized that all Albanian citizens should be able to exercise their right to vote and to stand for election. Measures should be taken to guarantee the free expression of the will of the voters during the next proclaimed elections.

Cambodia

By a draft decision proposed by the Chairman on the situation in Cambodia, the Commission welcomed the endorsement Security Council resolution 668 (1990) of the framework for a comprehensive political settlement of the Cambodian conflict, taking into consideration that the Paris Conference on Cambodia should be reconvened in the near future to elaborate and adopt the comprehensive political settlement and draw up a detailed plan of implementation in accordance with the framework for such a settlement. The decision stressed that that peace process would help achieve the goal of the exercise of the right to self-determination for the Cambodian people through free and fair elections organized and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia. The Commission was decided to keep the situation in Cambodia under review.

Cuba

By a resolution on the situation of human rights in Cuba, the Commission recognized the cooperation extended to the Secretary-General by the Government of Cuba and requested that Government to continue cooperating with the Secretary-General in carrying out the task entrusted to him, taking into account the international agreements to which Cuba is party and the institutional procedures established in the field of human rights. The Commission requested the Secretary-General to appoint a special representative to maintain direct contacts with the Government and citizens of Cuba on the issues contained in the report of the mission to Cuba, requested that the special representative carry out his mandate bearing in mind the Universal Declaration of Human Rights, and to report the results to the Commission at its next session.

El Salvador

In action on the situation of human rights in El Salvador, the Commission on Human Rights expressed its serious concern regarding the persistence of politically motivated violations of human rights, summary executions, abductions and enforced disappearances, and at the atmosphere of intimidation in which certain sectors of the population lived. The capacity of the judicial system continued to be unsatisfactory, the Commission stated in its resolution, and it urged the competent authorities to accelerate the adoption of the reforms necessary for ensuring the effectiveness of the system. It deplored the irregularities in the judicial proceedings in connection with the assassination of the Rector and other members of the Central American

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University in 1989 and the lack of cooperation on the part of certain sectors of the armed forces, which had impeded full clarification of this crime and the punishment of the guilty persons.

The Commission urged the Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (FMLN) to continue their dialogue and called on the parties to the conflict to guarantee respect for the humanitarian rules applicable to non-international armed conflicts.

Equatorial Guinea

Concerning the situation in Equatorial Guinea, the Commission urged the Government of that country, in accordance with the recommendation of the Expert on the situation, to establish as soon as possible a commission to monitor implementation of the Plan of Action proposed by the United Nations and accepted by the Government and to adopt other measures suggested for promoting and protecting human rights. The Commission recommended that the Government of Equatorial Guinea avail itself of the advisory services in human rights to prepare the initial reports on the human rights situation in the country. It encouraged the Government to try to facilitate the repatriation of all refugees and exiles by adopting such measure as permitting the full participation of all citizens in the country's political, economic, social and cultural affairs. The Commission also requested the Secretary-General to extend the mandate of the Expert and asked him to report to the Commission at its next session.

Haiti

Regarding the situation of human rights in Haiti, the Commission expressed its satisfaction at the democratic electoral process in Haiti on 6 December 1990 and on 20 January of this year, which had enabled a constitutional government to take office, and also at the full restoration of the 1987 Constitution. The Commission expressed concern that threats continued to loom over democracy and full respect for human rights, and invited the Government of Haiti to expedite the investigation into the principal massacres and to bring those responsible to trial. It expressed its concern at the acts of violence committed in Haiti's rural areas and at the ineffectiveness of the judicial system, and noted that it was important to pursue a fruitful dialogue with the new Haitian Government with a view to constantly improving the human rights situation. The Commission requested its Chairman to appoint an independent expert to examine developments in the human rights situation in Haiti and to help devise measures for the necessary improvements.

Iran

By a resolution on the situation of human rights in Iran, the Commission noted with concern the allegations of human rights violations in that country and welcomed the full cooperation extended by the Government of Iran to the Special Representative, as well as the Government's intention to continue that cooperation.

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The Commission called on the Government of Iran to comply with international instruments on human rights to which Iran was a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoyed the rights recognized in those instruments. It also noted the invitation extended by the Iranian Government to the International Committee of the Red Cross to visit prisons in Iran.

Iraq

Concerning the situation of human rights in Iraq, the Commission expressed grave concern at the flagrant violations of human rights by the Government of Iraq and urged it to ensure full respect for human rights and fundamental freedoms and to halt the arbitrary and summary executions. It also urged the Iraqi Government to halt the arbitrary detention of political and religious opponents; to put an end to the practices of enforced or involuntary disappearances and the practice of torture; to guarantee full respect for human rights of all persons in Iraq irrespective of their origin; and to halt deportation of Iraqi citizens and allow the deported persons to return to their villages of origin and receive reparation for the damage suffered as a result of their forced displacement.

The Commission asked its Chairman to appoint a special rapporteur of whose mandate would be to make a thorough study of the violations of human rights by the Government of Iraq, and to present an interim report to the General Assembly at its next session and a report to the Commission at its next session.

Kuwait

Concerning the situation of human rights in Kuwait under Iraqi occupation, the Commission strongly condemned the Iraqi authorities and occupying forces for their grave violations of human rights against the Kuwaiti people and nationals of other States and in particular the acts of torture, arbitrary arrests, summary executions and disappearances. It expressed serious concern about the systematic destruction, dismantling and pillaging of the economic infrastructure of Kuwait, which seriously undermined the present and future enjoyment by the Kuwaiti people of their economic, social and cultural rights.

The Commission demanded that Iraq comply with its obligations under the Charter and the contemporary norms of international law, and it strongly condemned the failure of Iraq to treat all prisoners of war and detained civilians in accordance with the principles of humanitarian law. It further condemned Iraq's failure to ensure respect for international standards applicable under international law. Particularly with reference to the protection of the civilian population, and its failure to cooperate fully with, and give access to, representatives of humanitarian organizations to Kuwait.

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The Commission welcomed the intention of the Government of Kuwait to provide access to the International Committee of the Red Cross and other humanitarian organizations in order to assist in caring for the civilian population of Kuwait. It decided to appoint an individual of recognized international standing as special rapporteur with a mandate to examine the human rights violations committed in occupied Kuwait by the invading and occupying forces of Iraq and to report as soon as possible to the General Assembly and to the next Commission session.

Romania

Regarding the situation of human rights in Romania, the Commission took note of the fact that, despite regrettable lapses, respect for human rights, was, in general, continuing to improve in Romania. It recommended that the Romanian authorities continue their action to ensure that human rights in all their aspects were respected in their country, and pay particular attention to the report of the Special Rapporteur. The Commission recommended that the Romanian authorities consider the possibility of continuing to use the United Nations Voluntary Fund for Advisory Services as suggested by the Special Rapporteur in his report, decided to extend the mandate of the Special Rapporteur for a further year and took note with appreciation of the Government's readiness to cooperate with the Commission and its Special Rapporteur.

Southern Lebanon

In a resolution on the situation of human rights in southern Lebanon, the Commission condemned the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of the civilian population, the destruction of their homes, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas and other practices violating human rights, and called on Israel to put an immediate end to such practices. Also, the Commission called on the Government of Israel, as the occupying Power in southern Lebanon, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region to visit the detention centres of Khiam and Marjeyoun and to ascertain the conditions of detainees.

Western Sahara

With regard to the question of Western Sahara, the Commission reaffirmed that the question was a matter of decolonization which remained to be resolved on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence; emphasized the importance of the agreement in principle given on 30 August 1988 by Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to the joint proposals of the current Chairman of the Organization of African Unity (OAU) and the Secretary-General of the United Nations to hold a referendum for self-determination by the people of Western Sahara, organized and supervised by the United Nations in cooperation with OAU.

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The Commission welcomed the efforts of the United Nations and OAU to promote a just and lasting solution of the Western Sahara question, and urged the OAU Chairman and the United Nations Secretary-General to intensify their efforts to resolve outstanding problems and thereby create the conditions necessary for holding a referendum for self-determination by the people of Western Sahara, without any administrative or military constraints.

Rights of Minorities

Concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities, the Commission authorized the open-ended Working Group to meet at the beginning of December 1991 to complete its second reading of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, with a view to submitting the text to the Commission at its forty-eighth session, in 1992.

In action on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities, the Commission expressed its deep appreciation to Special Rapporteur Asbjorn Eide for his progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities.

Draft Declaration on Responsibility for Human Rights Promotion

On the question of a draft declaration on the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights, the Commission took note of the report of the Working Group and welcomed the substantial progress which it made at its meetings prior to and during the latest session of the Commission.

Role of Youth in Promotion and Protection of Human Rights

Regarding the role of youth in the promotion and protection of human rights, the Commission called on all States, governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the unemployment problem among young people. It called on all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms in order to create conditions for the participation of young people in the implementation of programmes for the overall development of their countries. It also decided to include this item in the provisional agenda of its 1994 session.

In a resolution on conscientious objection to military service, the Commission requested the Secretary-General to report to it on that question, taking into account the comments provided by Governments and further information received by him, and decided to consider the matter further at its 1993 session.

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Mass Exoduses

Under a resolution on human rights and mass exoduses, the Commission requested all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as that would contribute to averting new massive flows of refugees and displaced persons. It invited the Secretary-General, all intergovernmental agencies and offices, as well as international agencies concerned, to implement speedily the recommendations contained in the report of the Joint Inspection Unit, particularly for the establishment of a working group and of a consultative machinery within the United Nations system for early warning of possible refugee flows and displaced persons; and welcomed the establishment by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees of the Working Group on Solutions and Protection. The Commission decided to continue consideration of the question of human rights and mass exoduses at its next session.

Cooperation with Representatives of UN Human Rights Bodies

By a resolution on the cooperation with representatives of United Nations human rights bodies, the Commission requested all representatives of such bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal, and prevent the hampering in any way of access to United Nations human rights procedures. It asked such representatives and treaty-monitoring bodies to include in their respective reports to the Commission on Human Rights or its Subcommission a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of actions taken by them in that regard.

Concerning the report of its Subcommission's Working Group on Contemporary Forms of Slavery, the Commission recommended that the General Assembly establish a voluntary fund to deal with problems of contemporary forms of slavery; asked the Economic and Social Council to take further action on this matter, and asked the International Labour Organisation (ILO) supervisory bodies to give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery.

The Commission also recommended that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child when examining periodic reports of States parties, give particular attention to the relevant articles of international covenants and conventions with a view to combating contemporary forms of slavery. It asked Governments to pursue a policy of information on the exploration of prostitution, as well as policies to prevent and rehabilitate women victims, taking the economic and social measures deemed necessary to achieve that aim.

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Religious Intolerance

As to to the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the Commission invited the Special Rapporteur to continue to respond effectively to reliable information that came before him, to seek the views and comments of the Government concerned on any information that he intended to include in his report, and to carry out his work with discretion and independence. It called especially for the cooperation of the Governments whose failure to respond had been noted in successive reports of the Special Rapporteur.

Advisory Services

In a resolution on the Voluntary Fund for Technical Cooperation, the Commission on Human Rights requested the Secretary-General to continue to draw up comprehensive programmes of advisory services and technical cooperation, maintaining a clear distinction between technical cooperation projects financed under the Voluntary Fund and other activities such as seminars, fellowships and dissemination of documentation to be financed under the regular budget and within the World Public Information Campaign for Human Rights.

On advisory services in the field of human rights, the Commission welcomed the increasing number of requests from Governments for support and technical assistance in the human rights field and reaffirmed that the programme of advisory services should continue to provide practical assistance in the implementation of international conventions on human rights to those States that indicated a need for such assistance. The Commission requested the Secretary-General to provide urgently more human and financial resources for the expansion of advisory services and to intensify further coordination within the United Nations system for providing the advisory services and technical assistance.

Concerning assistance to Guatemala in the field of human rights, the Commission noted with appreciation the report submitted by the Expert on the situation in Guatemala and expressed its gratitude to the Government for its collaboration in the Commission's carrying out of its advisory activities. It welcomed the commitment by the new Government of Guatemala to guarantee the protection of human rights and fundamental freedoms and to exercise the authority necessary to fulfil that commitment. The Commission deeply deplored the serious violations of human rights that occurred in Guatemala in 1990, in particular the increase in extrajudicial executions, abductions, torture, enforced disappearances, attacks and threats, which had created a climate of intimidation and fear.

The Commission urged the Guatemalan Government to initiate or intensify investigations aimed at bringing to justice those responsible for acts of torture, for disappearances, murders and extralegal executions and to strengthen policies and programmes that would enable the indigenous populations to enjoy fully their fundamental rights and freedoms. It requested the Secretary-General to extend the mandate of the independent

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Expert so that he might continue to examine the human rights situation in Guatemala. It decided to consider the matter at its next session under an agenda item to be determined in the light of the above-mentioned report and the human rights and fundamental freedoms situation in Guatemala.

Children's Rights

With regard to the implementation of the Convention on the Rights of the Child, the Commission recognized the important functions of the Committee on the Rights of the Child in overseeing the implementation of the Convention's provision, and invited United Nations agencies and organizations, intergovernmental and non-governmental organizations to intensify their efforts for the dissemination of information on the Convention and to promote its understanding.

Concerning the report of the Special Rapporteur on the sale of children, the Commission encouraged him to continue to carry out his work in the light of the conclusions and recommendations of his report and requested him to report on his activities to the Commission's next session.

As concerns the rights of the child, the Commission decided to refer the draft programme of action for prevention of sale of children, child prostitution and child pornography to the Subcommission so that it might make the necessary amendments in the light of the opinions of interested States, specialized agencies and non-governmental organizations; and to transmit the draft programme of action to them for their comments.

On the programme of action for the elimination of the exploitation of child labour, the Commission endorsed the views expressed by the Subcommission on the need to adopt a concerted programme of action to combat those practices; decided to transmit the annexed draft programme of action to Governments, specialized agencies, other intergovernmental organizations and non-governmental organizations in their comments; and requested the Secretary-General to submit a summary of the replies received to the Commission.

Migrant Workers

With regard to measures to improve the situation and ensure the human rights and dignity of all migrant workers, the Commission welcomed the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; urged all States to consider signing and ratifying or acceding to the Convention as a matter of priority, and called on the Secretary-General to assume an active role in disseminating information on, and promoting, the International Convention through the World Public Information Campaign for Human Rights and the Advisory Services Programme. It decided to include in the agenda for its next session an item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

(more)

Responsibility for Rights' Violations

With regard to the responsibility for the violations of human rights and fundamental freedoms, the Commission expressed its concern at the violations still occurring in many parts of the world, in particular gross and systematic violations, which meant the negation of the principles of the Charter, the Universal Declaration of Human Rights, International Covenants on Human Rights and other international legal instruments in this field. It considered that the establishment of further clear rules regulating responsibility for human rights violations could serve as one of the basic preventive guarantees aimed at averting any infringements of human rights and fundamental freedoms and invited the competent United Nations bodies to consider the topic of State responsibility for violations of international obligations in the field of human rights and fundamental freedoms.

Subcommission on Prevention of Discrimination

In a resolution on the Work of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Commission reaffirmed that the Subcommission could best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts which should be reflected in the report of the Subcommission, as well as in the expert studies carried out under its auspices.

The Human Rights Commission invited the Subcommission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such drafts should be proposed only on subjects that have been thoroughly discussed in the Subcommission or in its working groups and should be consistent with the role of the Subcommission as a body of independent experts. Also, the Commission called on States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Subcommission, and to fully respect the independence of elected members.

On the strengthening of the independence of the expert members of the Subcommission, the Human Rights Commission proposed that the Economic and Social Council interpret the rules of procedure as they pertain to the Subcommission. It recommended to the Council a resolution that would have it interpret rule 59 of the rules of procedure of its functional commissions as follows: "It is understood that the Subcommission on Prevention of Discrimination and Protection of Minorities may vote by secret ballot on resolutions pertaining to allegations of violations of human rights in countries, when it so decides by a majority of its present and voting members".

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